

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

X

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 04/128/2005

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SECTION OFFICER (Judl.)

Subis
03/11/07

FORM NO. 4
 (SEE RULE 42)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH

ORDER SHEET

Original Application No. 128/05

Misc. Petition NO. _____

Cobtempt petition No. _____

Review Application No. _____

Applicants. Morgan D. System

Respondents. U.O.I. Jors.

Advocates for the Applicant. M. Chanda, S. Nath, S. Chandley

Advocates of the Respondents. Case & K.R. Chandley, R.S. Chandley, G. Rahul

Notes of the Registry	Dated	Order of the Tribunal
<p>This application is in fact is filed in Rs. 10/- deposited vide P.O. No. <u>206/133/276</u> Dated <u>30.5.05</u></p> <p><i>[Signature]</i> Dy. Registrar</p> <p><i>[Signature]</i> 10/6/05</p> <p><i>Slips not taken</i></p> <p><i>[Signature]</i></p> <p><i>[Signature]</i> 22/6</p> <p><i>[Signature]</i> 22/6</p> <p><i>Slips taken</i></p>	<p>21.6.2005</p>	<p>Heard Mr. M. Chanda, learned counsel for the applicant and Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents.</p> <p>It is very unfortunate case we find that the LTC claim of the applicant is not finalised properly inspite of the direction issued as early as 2001 in O.A. 176/2000. The applicant has produced photocopy of one way ticket from Guwahati to Amritsar but he could not produce railway ticket or photocopy of the same ^{for the return journey} since according to him ticket was taken by the examiner in Guwahati Railway station. Now the situation is that pursuant to the direction issued by this Tribunal in 2001, in 2005 the respondents rejected the claim without proper consideration of the relevant rules, the applicant has produced alongwith the O.A. Prima facie, we find that respondent not done justice to the applicant. However, we afford an opportunity to the respondents to file an affidavit within a period of four weeks from today. Post on 21.7.2005. Recovery pursuant to the impugned order will defer till the next date.</p>

[Signature]
Member

[Signature]
Vice-Chairman

20.7.05

21.7.2005

Mr. G. Rahul, learned counsel for the Respondents submits that he is appearing on behalf of the Respondents No. 2 and 3 and he wants time to file affidavit. Post on 24.8.2005.

Interim order shall continue till next date.

no affidavit filed. Copy of the order sent by the parties.

Pl. comply order dated 21.7.05.

ND 22/7/05

[Signature]
Member

[Signature]
Vice-Chairman

mb

Order dt. 21/7/05 issuing to learned advocates for both the parties.

24.8.05

Mr. G. Rahul, learned counsel for the Respondents requested for further adjournment stating that the name of the counsel in the case title has not been shown. Mr. M. Chanda learned counsel for the applicant is present and submitted that interim order may be continue.

Post the matter on 9.9.05. Interim order will continue till the next date.

25/7/05

Affidavit has not been filed.

[Signature]
23.8.05

[Signature]
Vice-Chairman

lm

Order dt. 24/8/05 issuing to learned advocates for both the parties.

9.9.05

Mr. M. Chanda learned counsel for the applicant is present. Mr. G. Rahul learned counsel for the Respondents submits that he requires three weeks time to file written statement.

Post the matter on 3.11.05. Interim order will continue till the next date.

25/8/05

Pl. comply order dated 9.9.05.

NS 9/9/05

[Signature]
Vice-Chairman

lm

Order dt. 9/9/05 issuing to learned counsel for both the parties.

8.11.05.

The learned counsel for the applicant is present. The learned counsel for the Respondents not present. Post the matter on 25.11.05. Interim order shall continue till the next date.

12/9/05 order dt. 8/11/05 issuing to learned counsel for both the parties. 24-11-05

[Signature]
Vice-Chairman

25.11.2005

Mr.S.Nath, learned counsel for the applicant submits that the respondents have filed the written statement only today and that the applicant wants to file rejoinder. Mr.G.Rahul, learned counsel for the respondents is also present Post on 2.1.2006.

28.11.05
W/S Submitted
by the Respondent Nos.
2 and 3.

Di

[Signature]
Vice-Chairman

bb

30.12-05

No rejoinder filed.
2.1.06

bn

Mr.M.Chanda learned counsel for the applicant submits that a rejoinder has already been filed. Mr.G.Rahul learned counsel for the Respondents submits that he wants some time. Post the matter on 17.1.06.

3.1.2006

Rejoinder filed
by the Applicant.

Member

[Signature]
Vice-Chairman

lm

17.1.2006

Respondents would like to file statement pertaining the claim of the applicant Let it be done. The applicant is another opportunity to submit any document as proof as to whether he has really undertaken his journey.

Respondents are also further directed to clarify whether the applicant has had undertaken the leave during the month of March, 1994.

Post on 20.2.2006.

[Signature]
Vice-Chairman

bb

16-1-06

W/S & rejoinder
filed.

Case is ready in
regard 2 pleading.

bn

17-2-06

The case is ready.
for hearing as
regard W/S and
Rejoinder.

bn
17.2.06

20.02.2006

Mr. M. Chanda, learned counsel for the applicant and Mrs. R. S. Chowdhury, learned counsel for the respondents were present.

When the matter came up for hearing, counsel for the respondents submitted affidavit which is brought on record. Counsel for the applicant submitted that he would like to file reply to the affida-vit.

Post on 16.03.2006.

Vice-Chairman

16.3.2006

When the matter came up for hearing Mrs.R.S.Choudhury, learned counsel for the respondents submitted the Leave Register of the applicant. Registry is directed to keep the same in safe custody and produce in the next date of hearing

Mr.M.Chanda, learned counsel for the applicant submits that he would like to have few days time to submit certain documents and also requested that the respondents may be directed to produce the Attendance Register pertaining to that period. Mrs.Choudhury submits that she is not aware whether any such register is being maintained or it is available with the respondents now. However, she submits that she will request the respondents to produce the same if it is available.

post on 29.3.2006. Copy of the order shall be furnished to counsel for the respondents.

Vice-Chairman

21.2.06
An affidavit filed by Respondent Nos. 2 & 3.

15.3.06
No reply to the Affidavit filed.

Pl. comply indicated 16.3.06.

N^S 17.3.06

order dt. 16/3/06 sent to D/section for issuing to learned advocates for respondent.

21/3/06

Case is ready for hearing.

29
29.3.06

29.3.06

When the matter came up for hearing the learned counsel for the applicant has submitted additional rejoinder alongwith the photocopy of Attendance Register from January to March, 1994 alongwith Annexure B. The learned counsel for the applicant has submitted that he has not annexed the photocopy of the Attendance Register. Let it be done. The counsel for the Respondents is directed to produce the original records.

Post the matter on 5.4.06.



Vice-Chairman

30.3.06

Additional rejoinder im submitted by the applicant.

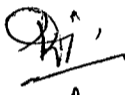
05.04.2006

Mr. C. Rahul, learned counsel for the respondents submits that he would like to have some more time to produce the Attendance Registrar. Post on 26.04.2006.



Vice-Chairman.

Received Copy -
Jyoti Rahul
Advocate
4.4.2006


Jyoti
Advocate
4/4

mb

26.4.2006 Post on 16.5.2005 for production of document finally.



Vice-Chairman

mb

17.05.2006 When the matter came up for hearing the respondents have not produced the documents.

Post on 25.05.2006.



Vice-Chairman

mb

25.5.2006 Heard Mr.M.Chanda, learned counsel for the applicant Mrs.R.S.Choudhury, learned counsel for the respondents.

Reserved for orders.

Vice-Chairman

db

Case is ready for hearing.

ms
25.4.06

The case is ready for hearing.

m
24.5.06

05.06.2006

pronounced
Judgment/ ~~stipulation~~ in open

Court, kept in separate sheets.

The application is allowed and disposed of in terms of the order. No order as to costs.


Vice-Chairman

Received
on behalf of
Respondents mb
Rob. Chandhury
Advocate
6/6/06

21.6.06

Copy of the judgment
has been sent to the
Office for issue of
the order to the applicant
by post.
sh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

128 of 2005

O.A. No.

05.06.2006

DATE OF DECISION

Shri Morgan D. Syiem

..... Applicant/s

Mr. M.Chanda

..... Advocate for the
Applicant/s.

- Versus -

Union of India & Others

..... Respondent/s

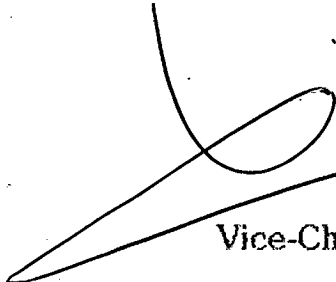
Mrs. R.S.Choudhuty

..... Advocate for the
Respondents

CORAM

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

1. Whether reporters of local newspapers
may be allowed to see the Judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether to be forwarded for including in the Digest
Being compiled at Jodhpur Bench ? Yes/No
4. Whether their Lordships wish to see the fair copy
of the Judgment ? Yes/No


5/6/06
Vice-Chairman (J)

a

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.128 of 2005

Date of Order: This the 5th Day of June, 2006.

HON'BLE MR.K.V. SACHIDANANDAN, VICE-CHAIRMAN

Shri Morgan D. Syiem,
S/o Shri Dufferine Basaiawmoit,
Library and Information Officer(T-6),
Division of Library,
ICAR Research Complex for NEH Region,
Umroi Road,
Umiam-793103, Meghalaya.

...Applicant

By Advocate Shri M. Chanda.

- Versus -

1. Union of India,
Through the Secretary to the
Government of India,
Ministry of Agriculture,
New Delhi-110001.
2. The Director,
Indian Council of Agricultural Research,
Complex for NEH Region,
Umroi Road, Umiam-793103,
Meghalaya.
3. The Administrative Officer,
Indian Council of Agricultural Research
Complex for NEH Region,
Umroi Road, Umiam-793103,
Meghalaya.

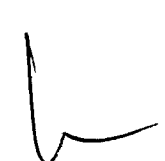
... Respondents

By Advocate **Mr K.N.Choudhury, Sr. Advocate,**
Mrs R.S. Choudhury for the respondents.
Mr G.Rahul.

ORDER

K.V.SACHIDANANDAN, (V.C)

The applicant working as Library and Information Officer (T-6) in ICAR Research Complex, Meghalaya took LTC advance for the block year 1990-93 for an amount of Rs.16,000/- which was duly sanctioned by the departmental authority dated 12.1.94 for undertaking a journey from Shillong to Amritsar which was drawn for all the family members including his son and three daughters, wife and for self. Initially an



amount of Rs. 8000/- was paid for purchase of railway tickets and copy of the railway tickets were produced which was verified by the authority concerned and release the second installment of Rs. 8000/- for performing the journeys from Shillong to Amritsar and back. In the month of January 1994 applicant performed the journey alongwith the family members from Shillong to Guwahati by bus and from Guwahati to Delhi by train and again from Delhi to Amritsar by bus. All the members of the family halted at the Indian Agricultural Research Institute in Delhi at the Farmer's Hostel. Necessary entries were also made in the relevant register in the Farmer's Hostel. While returning from Amritsar the applicant and his family members performed journey by bus upto Delhi and from Delhi to Guwahati by train. He was required to produce the tickets to the platform Ticket Checker. The ticket checker refused to return the tickets despite the applicant request. Tight security was maintained in the Railway station to avoid insurgency activities. The applicant submitted his final bill without the tickets or tickets numbers for inward journey from Delhi to Guwahati since it was not available with him. Thereafter on 7.2.97 the respondent No.3 directed the applicant to refund the said LTC advance alongwith interest since he failed to submit the final bill for adjustment in time as admissible under rules. He made representation to second respondent stating that he could not furnish the tickets for inward journey as the same was collected by the platform ticket checker but he had submitted other documents. After 2 ½ years respondent No.3 sent a letter dated 20.12.99 directing the applicant again to refund the amount of Rs.16,000/- alongwith interest. Another representation was made on 6.1.2000. The respondent No.3 again issued another letter dated 4.5.2000 asking the applicant to pay the amount alongwith an interest of Rs.2613/- in one instalment (Annexure-I to V).



Thereafter the applicant approached this Tribunal by filing O.a.176/2000 challenging the legality of the orders for recovery of the LTC advance and interest. This Tribunal vide order dated 28.9.2001 directed "that the applicant shall submit a detailed representation before the authority narrating all the facts and materials in support of his journey within three weeks of the receipt of the order and the respondents shall sympathetically consider the representation so submitted....." His representation was received and the respondents remained silent for all these years and as a result the applicant presumed on good faith that the LTC bill in question have been settled and the advance have been properly adjusted in full. The respondents now issued the impugned letter dated 26.3.2005 asking the applicant to deposit the LTC advance of Rs.16000/- alongwith the interest of Rs.2613/- within 3 weeks. Aggrieved by the said action of the respondents the applicant has filed this application seeking for the following reliefs :

i) To set aside and quash the impugned letter No.RC (P)3/84 dated 26.03.2005 for recovery of LTC advance (Annexure-VII).

ii) To set aside and quash the impugned orders of recovery issued under letter Nos. RC(P)3/84 dated 7.2.97, RC(P)3/84 dated 20.12.99 and RC(P)3/84 dated 4.5.2000 (Annexure-I, III and V).

(iii) The respondents be directed to waive/relax the requirements of production of serial numbers of tickets invoking the power of relaxation in the light of the relevant instruction of Govt. of India.

(iv) To declare that the respondents are not entitled to make any recovery without settling the final bill of LTC for the


block year 1990-93 submitted by the applicant with documentary evidence.

2. The respondents have filed a detailed written statement contending that the applicant had drawn Rs.8000/- on 18.1.1994 as 50% of his LTC advance sanctioned to him and in terms of the sanction order he has to start his onward journey within 15 days from drawal of advance. The onward journey ticket is dated 4.3.1994 which is in contravention of the sanctioned order. If the onward journey is not performed within 15 days of the drawal of advance the full amount should be refunded. The applicant undertaken the journey in the month of January 1994 alongwith his family members is absolutely incorrect and misleading. The date of the railway ticket which is produced is dated 4.3.94 and the applicant has applied for leave on 6.12.93 seeking leave with effect from 10.1.94 to 18.1.94 for undertaking the journey from Shillong to Amritsar but he has produced a ticket dated 4.3.94 for drawal of remaining 50% advance sanctioned to him. The applicant had never applied for alteration of his leave period which was sanctioned to him with effect from 10.1.94 to 18.1.94 for availing the LTC. It is not within the knowledge of the respondents that the applicant had stayed in the Indian Agricultural Research Institute in Delhi at the Farmer's Hostel and necessary entries were made in the relevant register in the Farmer's Hostel. No such receipt or any documents has been produced by the applicant to substantiate his claim. The applicant should be aware that at least the ticket number is required for verifying the authenticity of performing the journey. The applicant has also miserably failed to mention about the 'class' in which he had undertaken the inward journey from Delhi to Guwahati by train. As he has failed to submit the final LTC bill the respondents were left with no other option but to direct

the applicant to refund the LTC advance of Rs.16000/- alongwith interest thereon. The applicant submitted the purported final bill on 20.3.1995 i.e. after a delay of more than one year and the respondents could not find out whether the applicant has actually undertaken the journey from Shillong to Amritsar during the month of January 1994. As such the respondents had issued orders for refund of LTC advance alongwith interest (Annexure III & V of O.A). In response to the Tribunal's order the respondents has not received any representation from the applicant. Though the Court has directed the applicant to submit a detail representation narrating all his grievances within 3 weeks from the date of receipt of the order, despite the fact that a reminder was sent to the applicant on 22.11.2001. The onus of proof lies on the side of the applicant to establish his LTC claim. No conducive proof of the applicant is there for the outward journey in terms of the sanctioned order and therefore the O.A does not any merit.

3. The applicant has filed a rejoinder reiterating his contention in the O.A. and further submitted that the he has produced tickets for his inward journey and second installment of LTC amount was disbursed and it is true that journey was undertaken in March 1994 which is mentioned in the adjustment bill submitted by the applicant. He has submitted a bill way back on 20.3.1995. The applicant has also submitted representation dated 22.11.2001 in response to the direction of this Tribunal in the earlier O.A.

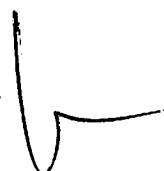
4. The respondents have also filed additional affidavit stating that the leave was sought from 10.1.94 to 18.1.94 which was readily granted then how can the applicant undertake the journey in the month of March 1994. The leave for March 1994 was never granted.



5. The applicant has also filed an additional rejoinder contending that he has submitted earned leave application for the period from 3.3.94 to 12.3.94 and also prayed for cancellation of earned leave with effect from 10.1.94 to 18.1.94. The attendance register will prove the same (Annexures A series and B).

6. Heard Mr M.Chanda, learned counsel for the applicant and Mrs R.S.Choudhury, learned counsel for the respondents at length. Learned counsel for the parties has taken me to various pleadings and respective records connected with the case. The counsel for the applicant argued that the first LTC installment was granted to him on production of the outward journey railway ticket. The second installment of the LTC advance was disbursed to him on production of the outward journey ticket to him and in the inward journey ticket from Delhi to Guwahati could not be produced before the authorities since it was captured by the ticket examiner at a time when there was insurgent tract. Though the applicant has asked for returning the ticket the Ticket checker did not give the same back to him on security reasons and therefore he could not produce neither the inward journey ticket nor the ticket number. Learned counsel for the respondents on the other hand submitted that he has applied for the leave in January whereas he has undertaken the journey in March 1994 and therefore it will prove that this was a false claim. This court has given due consideration on materials produced on record relating to LTC claim and I have meticulously gone through the same. The specific contention of the applicant is that in the additional rejoinder dated 29.3.06 is that

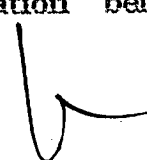
"he has submitted earned leave w.e.f. 03.03.1994 to 12.03.1994 and also prayed for cancellation of his earned leave with effect from 10.01.1994 to 18.01.1994 and also prayed for further sanction of leave with effect from 03.03.94 to 12.03.94 it would be evident from



the photocopy of the Attendance Register that the applicant have attended his duties during the period from 10.01.94 to 18.01.94 and remained availed earned leave with effect from 03.03.1994 to 12.03.1994 and attended the office on 15.03.1994 as such contention of the respondents raised in para 2 of the additional written statement/affidavit filed on 20.02.2006 is not factually correct."


Both the attendance register has been produced by the respondents counsel and their relevant entries in the month of January and March 1994 has been verified. It is found from the record that the applicant had attended his work in the month of January 1994 and from 3rd March to 12.3.1994 he was on leave. On going through the said documents, there is no reason to suspect the documents. The entries made therein was done during the course and at the time of the absence. Therefore the contention of the respondents that the applicant was not on leave during the period from 3.3.94 to 12.3.94 is not correct for the factual matrix that he was on leave during the said period. The claim of the applicant for LTC is also for the same period. Therefore it cannot be said that he was present in Shillong and had not undertake the journey. Accordingly that contention of the respondents is rejected. Now the question is whether the applicant had actually undertook the journey or not. Applicant had came before this Tribunal in O.A.176/2000 and vide order dated 28.9.2001 this Tribunal elaborately dealt with the issue and in para 6 of the order observed as :

"There is no basic dispute as to whether the applicant has undertaken the journey. If the applicant could not produce the documents the respondents could have acted upon the other materials and to satisfy itself, whether he had undertaken the journey. There is no question of not releasing the bill. The matter is an old one and the matter requires early disposal. Considering the facts and the circumstances I am of the view that ends of justice will be met if a direction is issued to the applicant to submit a detailed representation before the authority



narrating all the facts and materials in support of his journey that he undertook, within three weeks from the date of receipt of the order. If such representation is made within the prescribed period, the respondents shall sympathetically consider the same and pass n appropriate order by assigning reason as per law. Till the completion of the exercise and till the communication of the reasoned order the measure of recovery shall remain suspended."

Therefore, this Tribunal has come to the observation that the applicant had undertaken the journey. But he had not produced the relevant documents to substantiate his contention that he actually undertook the journey by train. The case of the applicant is that since insurgency was prevailing at Guwahati strict security was there in Railway station and the ticket checker has demanded the ticket for security reason and on his request also the ticket checker did not return the same. This averment of the applicant cannot be said to be out of tune. On going through the representation he has made to the authorities he has reiterated this assertion althrough which has not given any serious thought. Apart from that a letter dated 3.9.2001 addressaed by the applicant to the Scientist In charge, Farmer's Hostel, Indian Agricultural Research Institute, New Delhi to issue a certificate to the effect that he alongwith his family members were stayed in the Farmers' Hostel during the period from 4.3.94 to 14.3.94. Since the applicant has submitted his final bill within 15 days of his drawal of the advance and the journey to be performed within 15 days stipulated period I find that there is any irregularity committed by the applicant as per procedure. Therefore the respondents cannot contend that the applicant did not undertake the journey. This Tribunal in the earlier decision having found that the applicant had undertaken the journey and therefore no question of not releasing the bill. It is to be inferred from the said observation and the



materials placed on record that the applicant had undertaken the journey. Now what is left out, is the applicant's non production of the railway ticket for the return journey disentitled for the claim. Admittedly he had produced the ticket for onward journey. A copy of which is annexed as Annexure-B and the evidence placed on record will prove that he has gone to Amritsar and his version that he could not produce the return railway ticket has to be accepted. The learned counsel for the applicant has taken my attention to Swamy's CCA Leave Travel Concession Rules (352 clause 21) which shows that :

"Serial numbers of tickets should be produced with the claims. This may be relaxed by the Controlling Officer."

Now the applicant and his counsel seeking for relaxation of rules and submitted that it is a fit case where the Controlling Officer can relax the relevant rules in view of the prevailing circumstances submitted by the applicant. On going through the pleadings, arguments and materials placed on record I am also of the view that the insurgent situation at Guwahati Railway station should have been taken into consideration and rules regarding non production of the railway ticket has to be relaxed/waived in the case. The contention of the respondents that the applicant has not made any representation to the concerned authorities despite the fact that this Tribunal has directed as per order in the earlier O.A even if taken on account the applicant's case is that he has already submitted his representation but could not produce a copy since it is not available. The applicant failed to produce the serial No. of the railway tickets which is mandatory in the Rules. The argument of the respondents counsel that onus of proof is always with the applicant, the minimum obligation of furnishing the ticket No. cannot be taken as a shield in the case, is well taken. The fact that the applicant does not disclose the class in which he travelled, this Tribunal is of the view that

the applicant is only entitled to receive ordinary sleeper class charge for return journey.

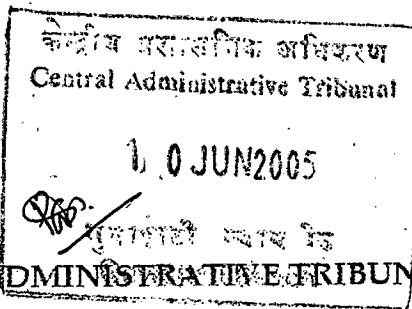
"A person who plays with Fire has no right to complain that his fingers are burned."

The difference in excess advance received will have to be refunded by the applicant.

7. Therefore, I am of the considered view that justice will be met if a direction is given to the applicant to submit a detailed representation to the concerned authority for relaxation of the provisions of the rules within a time frame of 3 weeks from the date of receipt of this order and on receipt of such representation the competent authority shall consider the case of the applicant and relax the provisions of rules for granting the benefits and pass appropriate orders within a time frame of two months thereafter. It is made clear that applicant is entitled to get only ordinary sleeper class charges for his return journey and respondent cannot claim interest from the applicant for the difference amount.

In the circumstances of the case, the O.A is allowed and disposed of with the above observations. No order as to costs.


(K.V.SACHAIDANANDAN)
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 128 /2005

Shri Morgan D Syiem
-Vs-
Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 1984- Applicant was initially appointed as Asstt. Librarian.
- 1990- Promoted as Technical Officer (T-5) in 1990 and eventually promoted as Library and Information Officer (T-6) in which post he is working at present.
- 12.01.94- LTC advance of Rs. 16,000/- was sanctioned to the applicant and he drew the advance in January '94 against the Block year 1990-03.
- January '94- Applicant thereafter availed LTC and performed journey in January 1994 with his family members from Guwahati to Amritsar and back.
- 07.02.97- After three years of submission of bill applicant was directed to refund the LTC advance of Rs. 16000/- on the ground that the applicant failed to submit LTC bill in time.
- 27.02.97- Applicant submitted representation stating that he had submitted LTC bill way back in 1994 along with some relevant documents including photographs etc.
- 20.12.99- After another about two years, applicant was directed again to refund the LTC advance of Rs. 16,000/- alongwith interests.
- 06.01.2000- Applicant submitted another representation.
- 04.05.2000- Respondents issued another letter directing the applicant to refund the LTC advance with interest of Rs. 2613/-.
Applicant thereafter filed O.A. No. 176/2000 before this Hon'ble Tribunal.
- 28.09.2001- This Hon'ble Tribunal disposed of the O.A. No. 176/2000.
Applicant submitted representation as directed by this Hon'ble Tribunal.

Morgan D. Syiem

26.03.2005- Respondents issued impugned letter directing once again the applicant to refund the LTC advance of Rs. 16,000/- with interest of Rs. 2613/- without considering his representation.

Hence this Original Application.

PRAYERS

Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter No. RC (P) 3/84 dated 26.03.2005 for recovery of LTC advance (Annexure-VII).
2. That the Hon'ble Tribunal be pleased to set aside and quash the impugned orders of recovery issued under letter Nos. RC (P) 3/84 dated 07.02.1997, RC (P) 3/84 dated 20.12.99 and RC (P) 3/84 dated 04.05.2000 (Annexure-I, III and V).
3. That the Hon'ble Tribunal be pleased to declare that the respondents are not entitled to make any recovery without settling the final bill of LTC for the block year 1990-93 submitted by the applicant with documentary evidence.
4. Costs of the application.
5. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for

During pendency of this application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to restrain the respondents from making any recovery of LTC advance from the applicant and the operation of the impugned letter dated 26.03.05 (Annexure-VII) be stayed till the disposal of this application.

Morgan D. Sjiem

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI**

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O. A. No. 128 /2005

Shri Morgan D. Syiem. : Applicant
- Versus -

Union of India & Others: Respondents.

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Date: 08.06.05

Filed by

Subrata Nath
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 128 /2005

BETWEEN

Shri Morgan D Syiem,
S/o- Shri Dufferine Basaiawmoit
Library and Information Officer (T-6)
Division of Library
ICAR Research Complex for NEH Region,
Umroi Road,
Umiam- 793 103.
Meghalaya.

...Applicant.

-AND-

1. The Union of India,
Through the Secretary to the
Government of India,
Ministry of Agriculture,
New Delhi- 110001.
2. The Director
Indian Council of Agricultural Research-
Complex for NEH Region
Umroi Road, Umiam- 793 103.
Meghalaya.
3. The Administrative Officer,
Indian Council of Agricultural Research-
Complex for NEH Region,
Umroi Road, Umiam- 793103.

... Respondents.

22
1
Filed by Applicant
through
Subrata Nath
Advocate
08.06.05

Morgan D. Syiem

DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made against the impugned order No. RC (P) 3/84 dated 26.03.2005 issued by the Respondent No. 3 whereby it has been sought to recover the LTC advance paid to the applicant way back in 1997, without complying with the direction passed by this Hon'ble Tribunal on 28.09.2001 in O.A. No. 176/2000.

2. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicant further declares that this application is filed within the period of limitation prescribed under Section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That your applicant was initially appointed as Assistant Librarian in the year 1984. Thereafter he was promoted to the grade of Technical Officer (T-5) in the year 1990 in the pay scale of Rs. 6500-10,500 (revised) and at present he is working as Library and Information Officer (T-6) in the Library Division of ICAR at Umiam, Meghalaya.

4.3 That your applicant begs to state that in the month of January 1994 the applicant took LTC advance for the block year 1990-93 for an amount of

Morgan D. Syiem.

Rs. 16000/- as LTC advance. The said advance was duly sanctioned by the departmental authority vide order bearing letter No. RC (P) 3/84 dated 12.01.1994 for undertaking the journeys from Shillong to Amritsar. It is relevant to mention here that the said LTC advance was drawn for all the family members including his one son and three daughters, wife and for self. In this connection it is also relevant to mention here that initially an amount of Rs. 8000/- was paid to the applicant as LTC advance by the department for purchasing the Railway tickets. The applicant accordingly on receipt of the said amount of Rs. 8000/- purchased Railway ticket from Guwahati to Delhi. Thereafter the applicant produced the copy of the Railway ticket to the concerned authority for self and other family members. The authority accordingly verified the Railway tickets and released the second installment of Rs. 8000 for performing the journeys from Shillong to Amritsar and back.

- 4.4 That it is stated that the applicant accordingly in the month of January 1994 performed the journey along with family members by Train from Guwahati to Delhi. It is relevant to mention here that he performed the journey from Shillong to Guwahati and Delhi to Amritsar by Bus.

It is relevant to mention here that while performing the said journey by the applicant along with his family members after drawal of LTC advance for the block year 1990-93, all the members of the applicant's family halted at the Indian Agricultural Research Institute in Delhi at the Farmer's Hostel. Necessary entries were also made in the relevant register in the Farmer's Hostel while the applicant along with family members performed the out ward journey from Shillong to Amritsar which is evident beyond all doubts that the applicant along with other family members performed the journey after drawal of LTC advance for the block year 1990-93.

- 4.5 That it is stated that while returning from Amritsar the applicant and his family members performed journey by Bus upto Delhi and from Delhi to

Morgan D. Syiem

Guwahati journey was performed by Train. It is pertinent to mention here that after reaching at Guwahati the applicant was required to produce the tickets to the Platform Ticket Checker on demand. But unfortunately the Ticket Checker refused to return the ticket for inward journey from Delhi to Guwahati to the applicant although the applicant requested the Platform Ticket Checker to refund the tickets. However the Platform Ticket Checker refused to return the same. It is pertinent to mention here that at that point of time a tight security was maintained in the Railway Station to avoid insurgency activities. The applicant has failed to note the ticket numbers for inward journey. However on completion of the said journey the applicant submitted his final bill for adjustment against the said drawal of advance of Rs. 16000/- for LTC advance. It is pertinent to mention here that the applicant could not furnish the ticket or ticket numbers for the inward journey from Delhi to Guwahati as stated above. In this connection it is relevant to mention here that the LTC advance and the ticket numbers for outward journey was recorded in the personal file of the applicant.

4.6 That thereafter the Respondent No. 3 vide one letter No. RC (P) 3/84 dated 07.02.1997 directed the applicant to refund the said LTC advance alongwith interest since he failed to submit the final bill for adjustment in time as admissible under rules. On receipt of the letter dated 07.02.97, the applicant submitted representation on 27.02.97 to the Respondent No. 2 stating that he had submitted the LTC final bill alongwith some photographs etc. as testimony of his journeys and availment of LTC although he could not exactly mention the date of submission of the bill since the same was done way back in 1994 i.e. about three years back. In his said representation dated 27.02.97, the applicant further stated that he could not furnish the ticket for their inward journey as the same was collected by the Platform Ticket Checker on demand at Guwahati Railway Station but he had however submitted other documents in terms of circular dated 12.06.1987. Thereafter having remained silent for

Morgan D. Spicem.

more than 2 and 1/2 years, the Respondent No. 3 surprisingly vide his letter No. RC (P) 3/84 dated 20.12.99 directed the applicant again to deposit amount of Rs. 16,000/- alongwith interests in terms of letter dated 07.02.1997 within 10 days. The applicant thereafter submitted another representation on 06.01.2000 to the Respondent No. 3 stating the facts as stated earlier in his representation dated 27.02.1997 and reiterated that he had availed the LTC from Shillong to Amritsar and back alongwith his family members in the month of January, 1994 for which he had already submitted the final bill. But unfortunately, the Respondent No. 3, adhering to his earlier contention, issued another letter No. RC (P)/3/84 dated 4.5.2000, whereby the applicant was directed to pay an interest of Rs. 2613/- in one installment, failing which the same would be recovered from his salary from the month of May' 2000.

(Copy of the letter dated 07.02.97, representation dated 27.02.97, letter dated 20.12.99, representation dated 06.01.2000 and letter dated 04.05.2000 are annexed hereto for perusal of Hon'ble Tribunal as Annexures- I, II, III, IV and V respectively).

4.7 That, situated thus and finding no other alternative, the applicant approached this Hon'ble Tribunal by filing O.A. No. 176/2000 challenging the legality of the orders for recovery of the LTC advance and interest from the salary of the applicant even inspite of his availing LTC and submission of final bill thereof. The Hon'ble Tribunal vide its judgment and order dated 28.09.2001 in O.A. No. 176/2000 was pleased to dispose of the Original Application with the direction that the applicant shall submit a detailed representation before the authority narrating all the facts and materials in support of his journey within three weeks of the receipt of the order and the respondents shall sympathetically consider the representation so submitted and pass an appropriate direction that till the completion of the exercise, the measure of recovery shall remain suspended.

Morgan D. Syiem.

(Copy of the judgment and order dated 28.09.2001 is annexed hereto for perusal of Hon'ble Tribunal as Annexure-VI).

4.8 That pursuant to the order dated 28.09.2001, the applicant submitted a representation in time alongwith a copy of the said order and prayed for settlement of his LTC bill and adjust the LTC advance and further stated that after the settlement of the final LTC bill, if there be any amount payable, the same would be paid by the applicant. Thereafter, the Respondent did neither inform anything to the applicant nor took any action on his representation but remained silent for all these years and as a result the applicant presumed on good faith that the LTC bill in question have been settled and the advance have been properly adjusted in full. Unfortunately, in the meantime, the case being pretty old, the applicant has misplaced the copy of his representation stated above and as such the same could not be annexed/furnished herewith.

4.9. That surprisingly, after remaining silent for more than three years, the respondent No. 3 has now issued his impugned letter No. RC (P) 3/84 dated 26.03.2005 whereby the applicant has again been asked to deposit the LTC advance of Rs. 16,000/- aforesaid alongwith the interest of Rs. 2613/- within three weeks time. It is relevant to mention here that the respondent has enclosed a copy of the Hon'ble Tribunal's order dated 28.09.01 but has not informed anything about the representation submitted by the applicant.

(Copy of impugned letter dated 26.03.05 is annexed hereto for perusal of Hon'ble Tribunal as Annexure VII).

4.10 That the applicant most respectfully begs to state that after drawing the installment of LTC advance of Rs. 8000/-, the applicant purchased the Railway tickets for his outward journey and the same were produced before the authorities. Having been satisfied that the tickets have been purchased for outward journey, the authorities released the second

Morgan D. Sgiani

installment of Rs. 8000/- as LTC advance (total = 16,000/-) after recording relevant particulars in the vouchers/records. Thereafter the applicant performed his outward journey from Guwahati to Delhi by Train alongwith all his family members and the journey from Shillong to Guwahati and Delhi to Amritsar were covered by Bus. While performing the said outward journey from Shillong to Amritsar, the applicant alongwith his family members stayed enroute at the Farmer's Hostel of ICAR in Delhi in Register of the Farmer's Hostel. All those records viz; office records containing the particulars of Railway Tickets for outward journey and the Register of the Farmer's Hostel etc. aforesaid are available with the Respondents and the Hon'ble Tribunal be pleased to direct the Respondents to produce those records including the LTC bill before the Tribunal for proper assessment of facts.

4.11 That the applicant begs to state that it will be evident from the records stated above that the applicant had performed his outward journey alongwith all his family members from Shillong to Amritsar after drawal of LTC advance of Rs. 16,000/-in 1994. Since there is conclusive proof of his outward journey as evident from records, the most logical conclusion is that the applicant has also performed his inward journey from Amritsar to Shillong in order to reach his Headquarter i.e. Shillong and the applicant also furnished some corroborating documents like photographs etc. as proof of his journeys. All such documents taken together, bear adequate testimonies in support of the journeys performed by the applicant from Shillong to Amritsar and back. As such it is unjust to discard the LTC claims of the applicant on merely technical grounds that the applicant did not submit the LTC bill in time and that he could not furnish the Ticket numbers for his control, as stated in the preceeding paragraphs hereinabove. Further, as per clause 21 of Chapter XVIII of Swamy's LTC Rules, the requirement of production of serial numbers of Tickets may be relaxed by the controlling officer and the instant case

Morgan D. S. Jiam

is a fit case where the controlling officer (Respondents) may relax/waive the condition in view of the other corroborating documents submitted by the applicant.

(Copy of Swamy's LTC Rules page No. 180 and page 23, 24 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- VIII).

- 4.12 That the applicant most respectfully begs to submit that in view of the documents and records available with the Respondents, it is amply evident that the applicant undertook outward and inward journeys with the LTC advance of Rs. 16,000/- drawn in January, 1994 and there is no impediments for the Respondents to settle the final LTC bill submitted as per Rules. As such the question of refunding the LTC advance of Rs. 16,000/- with interest by the applicant or any recovery thereof as insisted on by the Respondents, does not arise at all, more so when the issue is more than 10 years old and when the applicant performed the journeys with the LTC advance paid to him.
- 4.13. That the applicant further begs to submit that even after the passing of directions by this Hon'ble Tribunal vide its judgment and order dated 28.09.2001 in O.A. No. 176/2000 and submission of representation by the applicant in compliance thereof, the respondents have not taken any action and have now issued their impugned letter on 26.03.05 maintaining their earlier contentions, thus ignoring the contents and spirit of the order dated 28.09.2001 aforesaid.
- 4.14. That the applicant begs to state that in the event of implementation of the decision of the Respondents as stated in the impugned letter dated 26.03.05, the applicant would suffer heavy financial loss and finding no other alternative, the applicant is approaching this Hon'ble Tribunal for justice and protection of the rights and interests of the applicant. As such it is a fit case for the Hon'ble Tribunal to interfere with and to restrain the respondents from making any recovery of the said LTC advance from the

Morgan D. S. J. S. J.

applicant and further directing the respondents to settle the LTC bill of the applicant as per available records.

4.15 That it is relevant to mention here that the applicant even wrote a letter to the Scientist In-charge, Farmers Hostel, IARI (Indian Agriculture Research Institute), New Delhi on 03.09.2001 for issuance of a certificate in respect of the applicant and his family members, certifying that they had stayed in the Farmers Hostel, IARI during the period 04.03.1994 to 14.03.1994 after necessary scrutiny of the entry register, but unfortunately there was no response from the Authority of the Farmers Hostel, but the competent authority could have made necessary enquiry from the register of Farmers Hostel regarding the correctness of the statement of the applicant whether they had stayed in the Farmers Hostel during the March 1994. But unfortunately no such action was initiated by the Respondents and there was no response from the authority of Farmers Hostel.

4.16. That your applicant submitted his final bill on 20.03.1995 which would be evident from documents contained in Annexure- XI (Series), even there it is also submitted that the photographs of the places visited in Amritsar before the authorities as evidence of proof in support of his claim for final adjustment of LTC bill. But inspite of that the Respondents did not take a bonafide step to settle the matter by relaxing the provision of production of Railway ticket or serial number. In the circumstances stated above the impugned orders are liable to be set aside and quashed with a direction to the respondents to settle of final adjustment of LTC bill by invoking the power of relaxing conferred under the Govt. rules of relaxation.

Copy of letter dated 03.09.2001, photocopy of photographs and final LTC bill and other relevant documents are enclosed hereto for perusal of Hon'ble Tribunal as Annexure- IX, X and XI (Series) respectively.

4.17. That this application is made bonafide and for the cause of justice.

Morgan D. Syien

5. Grounds for relief(s) with legal provisions.

- 5.1 For that, the applicant was granted LTC advance for the block year 1990-93 in full only on production of Railway tickets for to and from journeys as such the detail particulars and other documents are available with the respondents.
- 5.2 For that, the applicant submitted necessary documentary evidence after completion of journeys availing the Leave Travel Concessions for the block year 1990-93 although he failed to submit the ticket numbers for inward journey but documentary evidences were submitted before the authority for adjustment of LTC advance.
- 5.3 For that, the respondents did not settle the final bill of LTC of the applicant on the ground that the bill was not submitted within the stipulated time period.
- 5.4 For that, the applicant submitted necessary documentary evidence regarding his journeys after drawal of LTC advance for the block year 1990-93.
- 5.5 For that, the applicant was informed regarding non-settlement of LTC bill only in the month of February' 1997, thereafter he submitted representation dated 27.02.97 but the authority remained silent even after receipt of the representation of the applicant but surprisingly after a lapse of two years i.e. in the month of December' 99 the applicant was again informed regarding non-submission of LTC bill in time and directed to refund the whole amount of LTC advance only on the ground that the bill was not submitted within the stipulated time after a lapse of several years.
- 5.6 For that, the recovery of LTC advance without settling the final bill will cause immense hardship to the applicant and to the family members.

Morgan D. Syiem.

5.7 For that, the respondents in their impugned letter dated 26.03.05 have maintained their earlier contention without complying with the direction passed by this Hon'ble Tribunal vide its order dated 28.09.01 in O.A No. 176/2000 and without disposing the representation submitted by the applicant in compliance with the direction of this Hon'ble Tribunal.

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had previously filed O.A No. 176/2000 before this Hon'ble Tribunal, regarding the matter which was disposed of in favour of the applicant and no such application is pending in any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter No. RC (P) 3/84 dated 26.03.2005 for recovery of LTC advance (Annexure-VII).

Morgan D. Syiem.

8.2 That the Hon'ble Tribunal be pleased to set aside and quash the impugned orders of recovery issued under letter Nos. RC (P) 3/84 dated 07.02.1997, RC (P) 3/84 dated 20.12.99 and RC (P) 3/84 dated 04.05.2000 (Annexure-I, III and V).

8.3 That the respondents be directed to waive/relax the requirements of production of serial numbers of tickets invoking the power of relaxation in the light of the relevant instruction of Govt. of India.

8.4 That the Hon'ble Tribunal be pleased to declare that the respondents are not entitled to make any recovery without settling the final bill of LTC for the block year 1990-93 submitted by the applicant with documentary evidence.

8.5 Costs of the application.

8.6 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to restrain the respondents from making any recovery of LTC advance from the applicant and the operation of the impugned letter dated 26.03.05 (Annexure-VII) be stayed till the disposal of this application.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

i)	I P. O. No.	:	20G J 133276.
ii)	Date of Issue	:	30.5.05.
iii)	Issued from	:	GPO, Guwahati
iv)	Payable at	:	GPO, Guwahati

12. List of enclosures.

As given in the index.

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Morgan D. Syiem.

VERIFICATION

I, Shri Morgan D Syiem, S/o- Shri Dufferine Basaiawmoit, aged about 51 years, Working as Library and Information Officer (T-6), Division of Library, ICAR Research Complex for NEH Region, Umroi Road, Umiam-793103, Meghalaya, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 2nd day of June 2005.

Morgan D. Syiem

ANNEXURE-I

Indian Council of Agricultural Research
ICAR Research Complex for N.E.H. Region
Umroi Road, Barapani - 795103, Meghalaya

No.RC(P)3/84

Dated Barapani, February 07th, 1997.

O R D E R

In continuation to this Office Order No.RC(P)5/94 dated 12th, January, 1994 Shri M.D. Syiem, T-5 of this Complex Hqrs. Barapani is hereby requested to refund the LTC advance of Rs.16,000/- (Rupees sixteen thousand) only in one lot alongwith interest which was sanction in favour of him being the 4yearly LTC for the Block Year 1990-94 since he failed to submit the adjustment of his final LTC in time as admissible under rules.

This issues with the approval of Director and concurrence of Finance & Accounts Officer and Asstt. Administrative Officer (Estt.).

(I. K. ...HARMA)
ADMINISTRATIVE OFFICER

To,
Shri M.D. Syiem, T-5
Library
ICAR.....Barapani.

Copy for information & necessary action to :-

1. Asstt. Administrative Officer (Estt.) ICAR Research Complex for NEH Region, Barapani. He may please work-out the amount of interest against the advance drawn by Shri M.D- Syiem, and the same may be informed to the incumbent concern. Necessary action may also please be taken to recover the amount accordingly.
2. Finance & Accounts Officer, ICAR Research Complex for NEH Region, Barapani.

Approved
Suryjit Choudhary
on 2/2/97

Ac

ANNEXURE-II

To
The Director,
ICAR Research Complex for
N.F.H. Region,
Umroi Road.

Dated the 27.2.1997

Sub: Refund of LTC advance- regarding.

Sir,

With reference to your order No. RC (P) 3/84 dated 07.02.1997, I have the honour to lay a few lines for favour of consideration.

That Sir, I had applied for an LTC to Amritsar along with my family on January 1994 and the same had been visited accordingly.

That Sir, I had bought the ticket for onward journey from Shillong to Delhi Guwahati amounting to Rs. 8000/- (Rupees eight thousand) only, in which the proof of the ticket had been submitted to the Administration and the same is kept in my personal file.

That Sir, while returning back to Shillong on reaching Guwahati Railway station, the TTE/Checker took away the ticket without returning to me; the reason is due to heavy underground operations in Assam.

That Sir, I had also submitted the photograph vide circular No. RC (g) 27/67 dated 12.6.87, which clearly indicated that I had visited the place along with my family members.

That Sir, if necessary to refund only the return ticket may be considered, which should be lenient and minimum so that my family will not suffer.

Thanking you,

Yours faithfully,

Sd/- M.D. Syiem.

*A. D. D. D. D.
Suryit Choudhary
on 2/3/97*

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UNIAM ROAD, UNIAM, MEGHALAYA.

NO.RC(P) 3/84

Dated 20.12.99.

To,

✓ Shri M.D.Sytem,
Technical Officer (T-5),
Division of Library, ICAR Research complex for
N.E.H. Region, Umiam.


Sub:- Refund of LTC advance drawn vide sanction Order no
NO.RC(P)3/94 dt 12.1.1994-reg.

Ref:- Your letter dt 27.2.97.

With reference to above, You are requested hereby
informed that the matter had already been decided/conveyed
vide this office Order NO.RC(P)3/84 dt 07.02.1997 (copy
enclosed). You are, therefore, requested to deposit the
said amount of Rs 16,000/- along with interest on or before
10 (ten) days of receipt of this letter.

This issues with the approval of the Director.

Yours faithfully,


20/12/99.
(M.J. Kharmawphlang)
Administrative Officer.

Copy forwarded for information & necessary action to:-

1. Finance & Accounts Officer, ICAR Research complex
for N.E.H. Region, Umiam.
2. Asstt. Administrative Officer (E), ICAR Research complex
for N.E.H. Region, Umiam. This has a reference to this
office Order NO.RC(P)3/84 dt 07.02.1994.

AD Asstt. Secy
Swjit Choudhary
26/12/99

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ANNEXURE-IV

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INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD, UMIAM-793 103.

...

Dated Umiam, the 6th January, 2000.

To,

The Administrative Officer,
ICAR Research Complex for NEH Region,
Umroi Road, Umiam-793103.

Sub:- Refund of LTC Advance drawn vide Sanction
Order NO.RC(P) 3/94 dt.12.1.94.

Madam,

Kindly refer to your letter NO.RC(P) 3/84
dt.20-12-99 on the subject mentioned above and in
this regard I am to submit as follows:-

That it is a fact that I had availed LTC
to Amritsar along with my family on January 1994.
Due to the fact as already stated by me in the
letter dated 27.2.1997, I could not submit the final
LTC bill in time. However, performance of LTC had been
done by me. Proof of which have already been furnished
to you, according to your Circular NO.RC(G) 27/87
dt.12.6.87. Your contention that I have failed to
submit the final LTC bill does not arise and infact,
the whole amount of LTC bill drawn by me may not be
directed to deposit back since I had already performed
the journey. However, if there is any shortage of the
amount in my LTC bill, the excess amount drawn by me
may be refunded.

Yours faithfully,

M. D. SYIEM
(M. D. SYIEM)
Technical Officer(T-5)
Library Section.

...

A. D. Dastidar
Sanjit Choudhary
Advocate
on 2/6/03

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD, UNIAM, MEGHALAYA.

ANNEXURE-V

NO.IC(P)3/84

Dated 4th. May 2000.

O R D E R.

In continuation to this office letter of even number dt 20.12.99, Shri J.D.Syiem, Tech.officer(T-5) of this complex Upr, Uniam is hereby informed to refund the LTC advance of Rs. 16,000/- which was sanctioned for the 4 yearly LTC 1990-93 vide order NO.IC(P)5/34 dt. 12.1.94 along with interest of Rs. 2613/- in one lot falling which the same would be recovered from his salary from the month of May 2000 onwards as per rules.

This issues with concurrence of F.A.O. and approval of the Director.

(H.J. Kharmduphlang)
Administrative Officer.

To,

Shri J.D.Syiem, Tech. Officer (T-5),
Division of Library,
ICAR Research complex for N.E.H. Region,
Uniam.

Copy forwarded for information & necessary action to:-

1. Asstt. Administrative Officer (E), ICAR Research complex for N.E.H. Region, Uniam. Recovery may be started from the month of May 2000 with an intimation to the incumbent concern from his end.
2. Finance & Accounts Officer, ICAR Research complex for N.E.H. Region, Uniam.

Handwritten note:
Asstt. Admin. Officer (E)
on 2/6/05

Date of Order : This is the 28th Day of September, 2001.

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ANNEXURE - VI

HON'BLE MR JUSTICE D.N.CHOWHURY, VICE CHAIRMAN.

Sri Morgand Sylon
S/O Sri Dufferine Basalaw
MOIT
Tech. Officer T 5
Division of Library
Indian Council of Agricultural Research
Complex for NEH Region, Umroi
Barapani, Meghalaya. . . . Applicant

By Advocate Mr.M.Chanda, Mrs.N.D.Goswami
& Mr.G.N.Chakraborty

- Vs -

1. The Union of India
Through the Secretary to the
Government of India
Ministry of Agriculture
New Delhi.
2. The Director
Indian Council of Agricultural Research
Complex for NEH Region
Umroi Road, Barapani
Meghalaya - 793103.
3. The Administrative Officer
Indian Council of Agricultural Research
Complex for NEH Region
Umroi Road, Barapani
Meghalaya - 793103. . . . Respondents.

By Mr.A.Deb Roy, Sr.C.G.S.C. for Respondent No.1 &
Mr.K.N.Choudhury & Mr.B.C.Das for Respondent Nos.2 & 3.

O R D E R

CHOWHURY J.(V.C.) :

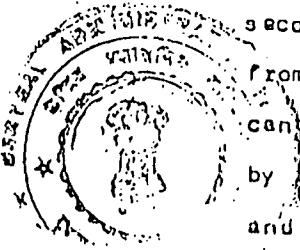
By an order dated 4.5.2000 the applicant was directed to refund the LTC advance of Rs.16,000/- which was sanctioned for the four yearly LTC 1990-93 vide an order No.RC(P)3/04 dated 12.1.1994 alongwith interest of Rs.2613/- in one lot, failing which it was decided to recover the amount from his salary from May, 2000 onwards. The legality of the said order is upheld in this proceeding.

Contd.. 2

*Pr. D. Deb Roy
Sr. J.C. S.C.
for V.C.
on 2/9/01*

91

Admittedly, the applicant was provided with an LTC advance of Rs.16,000/- for the block year 1990-93 in the month of January, 1994 for undertaking the journeys from Shillong to Amritsar. The applicant accordingly drawn the said advance for all the family members i.e. his son, three daughters, wife and for himself. Initially, a sum of Rs.8,000/- was paid to the applicant as LTC advance by the department for purchasing the Railway tickets. On receipt of the said amount the applicant purchased Railway tickets from Guwahati to Delhi. Thereafter the applicant produced the copy of the Railway ticket to the concerned authority for self and other family members. The authority accordingly verified the Railway tickets and released the second amount of Rs.8,000/- for performing the journeys from Shillong to Amritsar and back. According to the applicant, he performed the journey alongwith family members by train from Guwahati to Delhi. From Shillong to Guwahati and Delhi to Amritsar that part of journey was undertaken by bus. During his stay in Delhi, the applicant halted at the Indian Agricultural Research Institute, Delhi at the Farmer's Hostel. While returning from Amritsar, the applicant alongwith his family performed the journey by bus upto Delhi and from Delhi to Guwahati by train. When he reached at Guwahati on demand from the platform ticket checker, the applicant handed over the tickets to the ticket checker. Although the applicant requested the platform ticket checker to refund the tickets, he however, refused to return the same. The applicant also did not note the ticket numbers for inward journey. However, the applicant, on completion of the said journey, submitted his final bill for adjustment against the said drawal of advance of Rs.16,000/-. He could not furnish the ticket or ticket Nos. for the inward journey from Delhi to Guwahati.



h

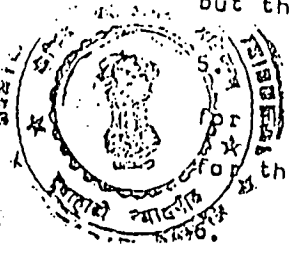
Contd.. 3

*A. Desai
Sanjit Choudhary
Ad. Delhi
on 2/6/03*

70 201

3. The respondents insisted for the tickets and vide letter dated 20.12.1999, the applicant was asked to refund the LTC advance of Rs.16,000/-, since he failed to submit the necessary materials in terms of LTC as per the direction of the Administrative Officer vide letter dated 7.2.1997. When he failed to refund the said amount subsequently ^{by} communication asking the applicant to refund the said LTC amount, was sent to him vide the impugned order dated 4.5.2000. The legitimacy of the said order is under challenge.

4. The respondents stated that the applicant submitted his final bill beyond the stipulated period. The respondents expressed its inability for settling the final bill of LTC advance, since the applicant failed to submit necessary document in respect of granting of L.T.C. Rules contemplates for submission of the bill within the period but the rules also provides relaxation.



I have heard Mr. M.Chanda, learned counsel for the applicant and Mr.B.C.Oas, learned counsel appearing for the respondents.

There is no basic dispute as to whether the applicant had undertaken the journey. If the applicant could not produce the documents the respondents could have acted upon the other materials and to satisfy itself, whether he had undertaken the journey. There is no question of not releasing the bill. The matter is a old one and the matter requires early disposal. Considering the facts and the circumstances I am of the view that ends of justice will be met if a direction is issued to the applicant to submit a detailed representation before the authority narrating all the facts and materials in support of his journey that he undertook, within three weeks from the date of receipt of the order. If such representation is made within the

contd.. 4

12/12/94

10.1 94
16

11/1
49



prescribed period, the respondents shall sympathically consider the same and pass an appropriate order by assigning reason as per law. Till the completion of the exercise and till the communication of the reasoned order the measure of recovery shall remain suspended.

Subject to the observations made above, the application stands disposed.

There shall, however, be no order as to costs.

Sd/VICE CHAIRMAN

Sd/MEMBER (A)

Certified to be true Copy
प्रमाणित प्रतिद्विधि

[Handwritten Signature]
12/10/2001
Section Officer, In-charge
आयुक्त (अधीनस्थ) (नियंत्रण विभाग)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अदालत
Guwahati Branch, Guwahati
गुवाहाटी न्यायालय, गुवाहाटी

[Large Handwritten Signature]
Greshy Malary
Bardola

11/10/2001
11/10/2001
11/10/2001
11/10/2001
11/10/2001

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD, UNIAM -793103 (MEGHALAYA)

ANNEXURE-VII

No.RC(P)3/84.

Dated Umiam, the 26th March, 2005.

To,

✓ Shri M.D.Syiem,
Library and Information Officer (T-6),
Division of Library
ICAR Research Complex for NEH Region,
Umiam.

Sub:-Refund of LTC advance drawn vide S/O No.RC(P)3/84
dtd. 12.1.2994 -regarding.

Ref:-1.No.RC(P)3/84 dtd.4.5.2000

Str, 2.No.RC(G)27/2001 dtd.22.11.2001.

With reference to the above subject and in continuation to this Office order/letter under reference (copies enclosed), as you have failed to submit final adjustment as per LTC rules, you are hereby directed to refund the LTC advance of Rs.16,000/- (Rupees sixteen thousand) only which was sanctioned to you vide order No.RC(P)3/84 dt.12.1.94 alongwith interest of Rs.2613/- within a period of three weeks from the date of receipt of this letter failing which the same will be recovered from your salary positively. Further, a copy of the order from C.A.T. Guwahati Bench dt.28.9.2001 is again enclosed herewith for your ready reference and necessary action accordingly.

This issues as per the verdict of the aforesaid Court order and with the approval of the Director.

Yours faithfully,

M.J. Kharmawphlang
26/3/05
(M.J. Kharmawphlang)
Administrative Officer

Encl: As above.

Copy forwarded for information to :-

1. Hon'ble Mr. Justice D.N. Choudhury, Vice Chairman,
C.A.T. Guwahati Bench, Guwahati.
2. Concern file of Audit report.

rkd/-

Surjit Choudhury
or 2/6/05

ANNEXURE - VIII

351

- *LTC can be availed during Commuted Leave also:*

One of an employee who is on commuted leave and whose health permits to undertake journey has been advised by his AMA to go to a place having suitable climate for complete recovery of his disease. Kindly clarify whether he can avail LTC during Commuted Leave.

The LTC shall be admissible during any period of leave, including casual leave and special casual leave. 'Any period of leave' includes commuted leave also.

[October, 2000]
[Rule 7 (2)]

352

- ✓ *Documentary proof of travel in respect of LTC is mandatory:*

As per Clause 21 of Chapter XVIII of Swamy's LTC Rules, serial numbers of tickets should be produced with the claims. This may be relaxed by the Controlling Officer. However, I understand that a Government servant, while submitting LTC claim should produce (a) Serial Number of Railway tickets, and (b) bus tickets. I would like to mention that nobody could produce serial number of a ticket without producing that ticket or photostat of that ticket. If the Controlling Officer is to relax this, the meaning of keeping this provision in the rule is not understood.

Kindly clarify.

There is no difficulty in getting serial numbers of ticket — Rail or Bus. Every rule has got a clause giving discretion to the Controlling Officer to relax/waive the conditions in deserving cases based on merit. Because of this provision, the rule cannot be deleted.

[October, 2000]

353

- *Family members are not eligible to LTC if the employee alone avails every year Home town LTC:*

I have availed LTC for the year 1998 to visit my Home town under the concession admissible to visit Home town once in a year. I did not avail any such LTC during the year, 1999. In March, 2000, I availed LTC for my wife for the Block Years 1998-1999. However, the contention of my office is that, since I have already availed calendar year LTC for 1998, my wife is not entitled to avail LTC for the Block Years 1998-1999.

Since you have availed "every year LTC" in calendar year 1998, your family is not entitled to LTC during the 4 years block 1998-2001.

[December, 2000]
[Rule 8 (c)]

Handwritten signature and date:
2/6/03

4. If the journey was performed by road transport or steamer service in conjunction with the railway, whether such services are recognized.
5. Whether the home town is the permanent home town recorded in the service book, or as declared by the officer for this purpose.
6. Relationship of the members of the family and age [see Rule 4 (d) for definition of family and *Order No. 38.*].
7. Whether the official is entitled to the class of accommodation by which he has travelled.
8. Whether the claim is by the shortest route.
9. Whether the Government servant has previously intimated before the journey was undertaken.
10. Check serial numbers of railway tickets/cash receipts/bus tickets.
11. Whether a note of the journey has been recorded in the service book.
12. Whether the concession has been availed only once during a block of two or four calendar years, or during its grace period.
13. Whether any advance taken has been adjusted in full or surplus refunded.
14. Whether the earned leave account has been debited, in the case of encashment of leave at the time of availing of LTC, equivalent to twice the duration of E.L. availed for LTC.

XVIII. THE RULES AT A GLANCE

1. Admissible to all Government servants irrespective of the distance between headquarters and their home towns.
2. Admissible only to those who have completed one year of service on the date of journey.
3. In the case of journey to home town, admissible once in a block of two years. The blocks are 1956-57, 1958-59 and so on; presently the blocks are 1998-99 and 2000-2001.
4. In the case of journey to any place in India, admissible once in a block of four years. This will be in lieu of one journey to home town. The current block is 1998-2001.
5. Admissible during regular/casual/special casual leave, study leave, maternity leave and during paternity leave. Not admissible during holidays alone.
6. Also admissible during leave preparatory to retirement provided the return journey is completed before the expiry of the leave.
7. Concession is admissible to all journeys by rail/road/steamer.
8. In the case of an employee under suspension, admissible only to the family of the Government servant.

24

SWAMY'S—C.C.S. LEAVE TRAVEL CONCESSION RULES

- 9. Concession is admissible for self and family.
- 10. All India Service Officers will be treated like Central Civil Service Group 'A' Officers.
- 11. In the case of deputationists with Central Government the block commences from the date of their joining the Central Government.
- 12. The date of commencement of the outward journey decides the block to which the concession should be debited.
- 13. Concession not availed during a block may be availed within the grace time, i.e., before end of the next year.
- 14. Family members may travel independently in any number of batches. The return of each group must be completed within six months from the commencement of that group's outward journey. This condition may be relaxed by the Head of the Department in special cases.
- 15. The Government servant should intimate in advance to his Controlling Officer of his intention to avail of the concession.
- 16. Under the concession to travel to "anywhere in India", the Government servant and/or member(s) of the family may travel either to the same place or different places of their choice.
- 17. Under the concession to visit "anywhere in India", the Government servant can visit his home town also.
- 18. In the same two-year block, some member(s) of family can avail home town concession while others "anywhere in India".
- 19. Reimbursement allowed by the entitled class or actually travelled class, whichever is less.
- 20. 90 per cent of the anticipated reimbursement amount may be granted as advance.
- 21. Serial numbers of tickets/bus tickets should be produced with the claims. This may be relaxed by the Controlling Officer.

*Amended
Babu*

XIX. EXTRACTS FROM VARIOUS RULES

1. Fundamental Rules

F.R. 17-A. Without prejudice to the provision of Rule 27 of the Central Civil Services (Pension) Rules, 1972, a period of an unauthorized absence—

- (i) in the case of employees working in industrial establishments during a strike which has been declared illegal under the provisions of the Industrial Disputes Act, 1947, or any other law for the time being in force;
- (ii) in the case of other employees as a result of acting in combination or in concerted manner such as during a strike without any

Annexure-IX

3/9/01

To,

The Scientist Incharge,
Farmers' Hostel,
Indian Agricultural Research Institute,
New Delhi-110 012.

Sub:- Prayer for issuing a Certificate in respect of M.D.Syiem and family members regarding staying in the Farmers' Hostel during the period from March 4-03-94 to 14-03-94 after necessary scrutiny of the entry register.

Respected Sir,

I like to draw your kind attention to the subject cited above and further to state that I need the Certificate as stated above from your Hostel with my family members during the month of 4-03-94 to 14-03-94. After making necessary scrutiny from your end from the entry register to enable me to produce the same to my authority as a piece of evidence regarding availing of LTC advance during the year 1994, as because I would not produce the inward journey ticket number or tickets as the same was taken by the platform checker in Gauhati Railway Station. But the same has not been refunded to me even after repeated demand as the law and order situation was very tied at the eleventh time. Therefore, you are cordially requested to take this much trouble for me to furnish certificate of my stay and my family members in Farmers' Hostel on March 1994, after ascertaining the register the matter may kindly be treated as most urgent.

Thanking you,

Yours faithfully,

M.D. SYIEM 3/9/01

(M. D. SYIEM)

Library & Information Officer

Library & Information Officer

ICAR Research Complex for NEAL Region,

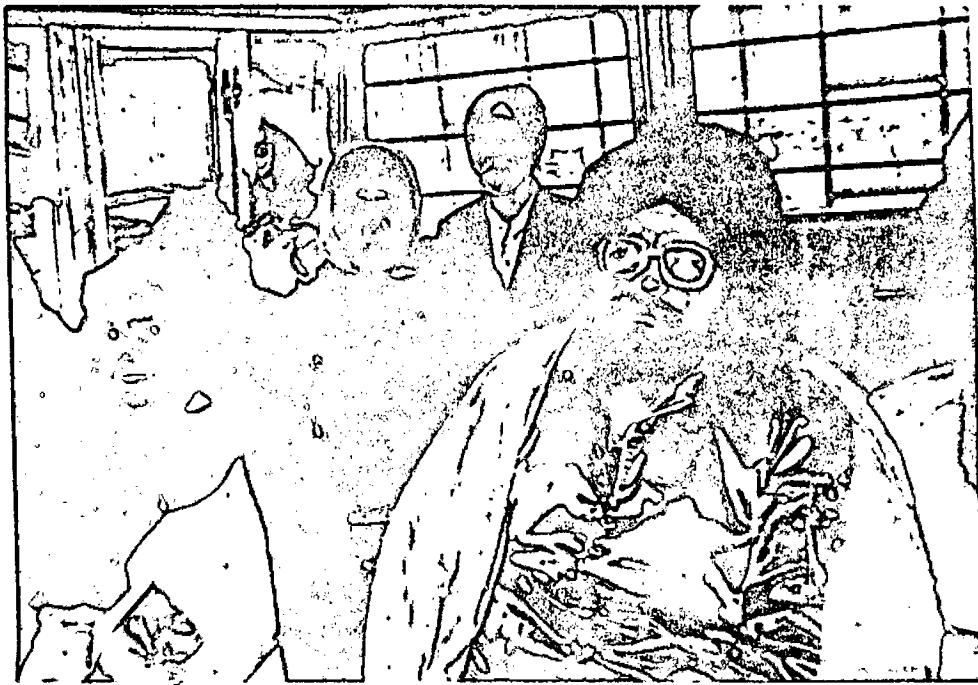
Umroi Road, Barapani-785 133,

Meghalaya

*Certified to be true by
Sub. Advocate*

no objection

49



Certified to be
True Copy
Jat.
Amesore

ANNEXURE - R 134

dt. Baripani, the 20.3.95.

To 20/3/95

The A.A.C. (Admn) (Admn)

U.P.R. Baripani
(through proper channel)

Subj: - Final LTC Bill - regarding

Sir, I am submitting Final LTC bill for the back year 1971/70 to 1974 for your necessary action and information.
Thanking you.

Yours faithfully
Ajay Kumar

Dated: Baripani
the 20.3.95

A.A.C. (Admn)
Forwarded for approval
M.D. Section
T.S. Technical Officer
Billing Section

CER
Draft No. 6492
Date 29/3/95

24/3/95
Supt (A) / ME
Pr. verify & put up.
25/3/95
27/3

Travelling Allowance Bill of Establishment of

Name and designation	Head-quarters	Actual per Government and House Allowance & fixed Travelling Allowance	Particulars of Journeys							Purpose of Journey	Kind of conveyance (most or ordinary)	Amount by Road or Railway or other means of conveyance		
			Departure		Arrival		Date of Journey					Means of conveyance	Actual rate paid	Rate
			Station	Date	Hour	Station	Date	Hour	13					
M.D. Srinani T.S. Technical Officer - Library	Sholing	JR	Mumbai	12/24	6a	Pilke Regd.	12/24	7a		Road		50		
			Blue Regd.	12/24	1a	Sholing	12/24	11a		do-		210		
			Sholing	12/24	7.30	Jodhpur	12/24	11.30		Rail		600		
			Dhule	12/24	7.30	Sholing	12/24	5.30		Road		2400		
			Amalgaon	11/24	6a	Dhule	11/24	5.30		Road		2400		
			Dechi	12/24	7a	Sholing	12/24	10a		Rail		600		
			Sholing	12/24	2.30	Sholing	12/24	6.30		Road		210		
			Police Regd.	12/24	1.30	Sholing	12/24	7.30		do-		30		
Sholing	12/24	1.30	Sholing	12/24	7.30		Sholing & Amalgaon		300					

* Travelling by road includes travelling by sea or river in a steam launch or in any vessel other than a steamer and
 In case where the Steamer Company has two rates of fares, one inclusive and one exclusive of diet, the word
) If there is a combined appropriation for Travelling Allowance of Gazetted and Non-Gazetted Government staff

51
- 7 -

12/24/24

12/24/24

12/24/24

CLASS		PNR NO	TRAIN NO	DATE	CC	98679090
310016		5607	04-03-55	1970	ARARH ASSAM EXP	1090
JOURNEY CUM RESERVATION TICKET						
I	गुवाहाटी	दिल्ली				
FC	ORIGINAL	DELHI	PISY 0110			
COACH	SEAT-BERTH	SLIP	AGE	F. AUTHORITY		
RC	4/RC	1	M	40	Rs. Three Nine Three Two	Only
RC	5/RC	2	F	13	00	373
RC	6/RC	3	F	13		
WL	1/RC	4	F	16		
BRU AT GHY ON 04-03 AT 20:10						

CLASS		PNR NO	TRAIN NO	DATE	CC	98679091
110021		5607	04-03-55	1970	ARARH ASSAM EXP	1091
JOURNEY CUM RESERVATION TICKET						
I	गुवाहाटी	दिल्ली				
FC	ORIGINAL	DELHI	PISY 0110			
COACH	SEAT-BERTH	SLIP	AGE	F. AUTHORITY		
WL	2/RC	5	F	10	Rs. Two Four Five Zero	Only
WL	3/RC	6	F	12	00	250
WL	4/RC	1	M	14		
BRU AT GHY ON 04-03 AT 20:10						

MA
 Pl. Process
 17/04
 Ticket M Ward
 4/3/05
 FC
 3932

NR/CP/3/84

Dated Barapani, the

Annexure XI
199 (Series)
12th Jan 94

ORDER

~~L./Shri./Smti. M. D. Syiem T-5~~ of this
Complex Hrs. Barapani is granted earned leave for ~~10~~ 9 days with
effect from ~~10/1/94~~ 10/1/94 to ~~18/1/94~~ 18/1/94 with permission to prefix
~~8th + 9th Jan 94 being~~ and suffix ~~and suffix~~
the leave on private affairs.

He/She would have continued to hold the same post at the
same station but for his/her proceeding on leave.

On expiry of leave Dr./Shri./Smti. _____ resumed
his/her duties in the same post and at the same station.

Sanction is hereby accorded to an advance of Rs. ~~16,000/-~~
(Rupees ~~Sixteen thousand~~) only ~~to cover~~
2/4 yearly LTC of Dr./Shri./Smti. ~~M. D. Syiem T-5~~ with family
members for the block year ~~1990-93~~ for visiting ~~Assam~~
The payment shall be made as under :-

- i) on receipt of claim - 50%
- ii) on production of ticket for outward journey - 50%

The onward journey will be undertaken within 15 days of
the drawal of the advance and the return journey will be completed
within 90 days after the start of the onward journey. The tickets
for the onward journey should be produced to the undersigned within
one week from the date of drawal of the 1st instalment of the
advance. If the onward journey is not performed by the employee the
full amount should be refunded forthwith and if the return journey
is not completed within 90 days, he will be entitled for the outward
journey only.

The advance should be adjusted within one month after
the completion of the return journey, otherwise the entire advance
will be recovered in lumpsum forthwith. In case, where LTC is
availed without drawing advances, the final bill of LTC should be
submitted within three month of the return journey failing which
the right for reimbursement shall stand forfeited.

Contd/-

Certified to be true
Int. ~~Signature~~

'A'

If the incumbent is a temporary employee of the Council's service he has to submit a surety bond from a permanent employee of the Council.

The expenditure will be debitable to the Head "1. Establishment charges, 9; Leave Travel Concession" under the budget allotment of Centre/Complex Hqs., for 1993-94 (NP).

For 4 yearly LTC, a photograph of his/her with family members taken at the place of visit must be furnished with the final bill in pursuance of Circular NO.RC(G)27/87 dt. 12/6/87.

Leave salary advance for one month from the date of commencement of leave is also granted to Dr./Shri./Smti. _____

MJ 12/1/94

(M.J. NI/RI/MAWPHILANG)
ASSTT. ADMINISTRATIVE OFFICER (ADMIN.)

To
Dr./Shri./Smti. M. D. Syam, Lib. Officer FS,
Library Section

ICAR Research Complex for NEH Region, Barapani.

Copy for information and necessary action to :-

1. Finance and Accounts Officer, ICAR Research Complex for NEH Region, Barapani.
2. Asstt. Administrative Officer (Estt.), ICAR Research Complex for NEH Region, Barapani alongwith the advance LTC bill.
3. ~~The Principal Scientist/Scientist I/c,~~ Division of Library Section, ICAR Research Complex for NEH Region, Barapani.

Ac

SWAMY'S COMPILATION ANNEX

OF
CENTRAL CIVIL SERVICES
Leave Travel Concession
Rules

[Incorporating Orders received up to January, 1999]

MUTHUSWAMY
AND
BRINDA

SWAMY PUBLISHERS (P) LTD.
164, R. K. Mutt Road, Post Box No. 2468, CHENNAI — 600 028
Phone: 493 83 65 Fax: 493 83 63

Delhi Branch:

SWAMY PUBLISHERS (P) LTD.
4855, 24, Ansari Road, Daryaganj, NEW DELHI — 110 002
Phone: 325 92 56 Fax: 328 16 97

YOGAMAYA STORE
KEATINGE ROAD
SHILLONG-793001
☎ 227688, 220833

*Certified to be true copy
for
Advocate*

19-2

any part in Rule 10

XII. GRANT OF ADVANCES

1. Advances are granted to Government servants to enable them to avail themselves of the concession. The amount of such advance in each case will be limited to 80% of the estimated amount which Government would have to reimburse in respect of the cost of the journey both ways.
2. If the family travels separately from the Government servant, the advance may also be drawn separately to the extent admissible.
3. The advance may be drawn both for the forward and return journeys at the time of commencement of the forward journey, provided the period of leave taken by the Government servant or the period on anticipated absence of the members of the family does not exceed three months or 90 days. If this limit is exceeded, then the advance may be drawn for the outward journey only.
4. If the limit of 3 months or 90 days is exceeded after the advance had already been drawn for both the journeys, one-half of the advance should be refunded to Government forthwith.
5. Advances to temporary Government servants are sanctioned subject to production of surety of a permanent Government servant.
6. Advances are sanctioned by the Head of Office.
7. Normally, the advance should be refunded in full if the outward journey is not commenced within 30 days of the grant of advance. In case of Journeys by rail, advance can be drawn sixty days before the proposed date of the outward journey. In all cases, the Government servant should produce railway or bus tickets within ten days of drawal of the advance.—Rule 15 (v).
8. The claims in adjustment of the advance should be preferred within one month of the completion of the return journey, if advance has been drawn and within three months if no advance has been drawn.—Rules 14 and 15 (vi).
9. Separate advances for different batches may be adjusted by separate claims. A consolidated advance should, however, be adjusted in a single bill.
10. In the case of an officer on deputation who avails of LTC immediately on reversion but before joining his parent office, the borrowing department may grant the advance in consultation with the lending

* 90% as per G.F.R. Incongruity not yet rectified by Government.

department and endorse a copy of the order to the lending department to enable them to watch the adjustment of the advance.—Order No. 14.

11. Field Offices should maintain a register of LTC claims. The register should be closed monthly in the last week and put up to the Head of Office for obtaining orders in regard to recovery of outstanding advances due for adjustment. (Pro forma of the Register available in Order No. 29).

12. If the conditions laid down in the sanction are not complied with or if the rules for granting advances for LTC have been violated, the Head of Office should charge penal interest, i.e., 2% above the rate of interest allowed by Government on Provident Fund balances.—Order No. 29.

XIII. WHAT THE GOVERNMENT SERVANT SHOULD DO

1. He should ensure that his home town is correctly indicated in his service records. Otherwise he should take action to have his home town entered therein.

2. Whenever he intends to avail of the concession under this scheme, he should inform the Controlling Officer before commencement of the journeys.

3. When he intends to avail of the concession to visit "anywhere in India" by himself or by any member(s) of his family, he should declare the intended place of visit to the Controlling Officer. The official and/or member(s) of the family must visit that place to become eligible for reimbursement of the claim.

4. If there is any change in the intended place of visit, he should intimate the same to the Controlling Officer before the commencement of the journey.

5. He should produce evidence of his having actually performed the journey, for example, serial numbers of railway tickets, etc.

6. If he takes an advance under this scheme he should ensure that the outward journey is commenced within 30 days from the date of grant of the advance, or refund the full advance. In case of journeys by rail advance can be drawn sixty days before the proposed date of outward journey. In all cases, railway/bus tickets should be produced within ten days of drawal of the advance.

7. He should see that half the advance is refunded if the period of absence exceeds 90 days.

8. He should prefer the bills adjusting the advance taken within one month from the completion of the return journey. In all cases, the claim will stand forfeited or deemed to have been relinquished if the same is not preferred within three months of the return journey.

25 NOV 2005
BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL
GUWAHATI BENCH.

Filed by
the Respondent No. 2

Through
Jyotirmoy Robul
Advocate
25-11-05

ORIGINAL APPLICATION NO.128 OF 2005

IN THE MATTER OF:-

Sri M. D. Syiem

....Applicant

-Versus-

The Union of India & Ors.

....Respondents.

-AND-

IN THE MATTER OF:-

A Written Statement filed on
behalf of the Respondents Nos.2
and 3.

WRITTEN STATEMENT

I, Shri Nikhil Ranjan Roy, -son of Late Nirendra Kumar Roy, aged about 60 years, presently serving as Incharge, Legal Cell, ICAR, Research Complex, NEH Region, Umiam, Meghalaya, do hereby solemnly affirm and state as follows:-

1. That the applicant has arrayed the Director of the ICAR, Research Complex, NEH Region, Umiam, Meghalaya as the Respondent No.2 in the instant case. A copy of the Original Application has been served upon me through the Counsel for the ICAR. I have gone through the copy of the Original Application and have understood the contents thereof. Being the Incharge, Legal Cell, I am well acquainted and fully conversant with the facts and

circumstances of the instant case. As such, I am competent to file this Written Statement. Further I have been duly authorized by the Respondent Nos.2, to file this Written Statement on its behalf.

2. That save and except those statements and averments made in the Original Application, which have been specifically admitted herein below, the rest shall be deemed to have been denied by the answering respondents.
3. That with regard to the statements made in paragraphs 1, 2 and 3 of the Original Application the answering respondents have no comments to offer.
4. That with regard to the statements made in paragraphs 4.1 and 4.2 of the Original Application the answering respondents have no comments to offer.
5. That with regard to the statements made in paragraph 4.3 of the Original Application the answering respondents beg to state that the applicant had drawn Rs.8000/- on 18.01.1994 as 50% of his LTC advance sanctioned to him vide Order No. RC(P) 3/84 dated 12.01.1994. Although the applicant was instructed in terms of the said sanction Order dated 12.01.1994 to start his onward journey within 15 days from the drawal of advance yet the railway tickets submitted by the applicant for his onward journey to Delhi, along with his family members was for 04.03.1994. This is in complete contravention of the sanction letter dated 12.01.1994 which categorically laid down that the onward journey will be undertaken within 15 days of the drawal of the advance and if the onward journey is not performed by the employee within the said period the full amount should be refunded. Moreover, the sanction letter stipulated that the tickets for the onward journey should be produced before the concerned authorities within one week from the date of drawal of the first installment of the advance. However, the applicant having failed to produce the tickets for the onward journey of himself and his family in terms of the sanction Order, has therefore failed to make out any case in the instant Original Application.

The copies of the sanctioned Order dated 12.01.1994 and the railway tickets for 04.03.1994 are annexed herewith and marked as ANNEXURES-A and B respectively.

6. That with regard to the statements made in paragraph 4.4 of the Original Application the answering respondents categorically deny the same. The

statement made in the said paragraph to the effect that the applicant has undertaken the journey in the month of January 1994 along with his family members by train from Guwahati to Delhi is absolutely incorrect and misleading. This aspect of the matter can be amply borne out from the date of the railway ticket i.e. 04.03.1994 which the applicant had produced before the concerned authorities for his journey from Guwahati to Delhi along with his family members. It is further pertinent to mention herein that on 06.12.1993 the applicant had applied for earned leave w.e.f. 10.01.1994 to 18.01.1994 for undertaking his journey from Shillong to Amritsar. However, the applicant submitted the journey-cum-reservation tickets for undertaking the onward journey only on 04.03.1994 for drawal of remaining 50% advance sanctioned to him. The applicant had never applied for alteration of his leave period, which was already sanctioned to him w.e.f. 10.01.1994 to 18.01.1994 for availing the LTC.

The answering respondents further categorically deny the statement made by the applicant to be effect that the applicant along with his family members halted in the Indian Agricultural Research Institute in Delhi at the Farmer's Hostel and necessary entry were also made in the relevant register in the Farmer's Hostel. Be it stated herein that no documentary evidence has been produced by the applicant in order to substantiate his claim. As per the norms, receipts for the period of stay in Indian Agricultural Research Institute, Farmer's Hostel are issued to the incumbent by the hostel authority. But in the instant case, no such receipt or any document has been produced by the applicant. Hence the applicant is put to the strictest proof thereof.

7. That with regard to the statements made in paragraph 4.5 of the Original Application the answering respondent categorically deny the same and further beg to state that the same are mere conjectures and surmises of the applicant and such statements have been made only with a view to prevent the respondents from recovering the LTC advance which the applicant had illegally obtained. The applicant working in a responsible post should be aware that at least the ticket number is required for verifying the authenticity of performing a journey. Moreover, the applicant has miserably failed to mention about the 'class' in which he had undertaken the inward journey from Delhi to Guwahati by train.
8. That with regard to the statements made in paragraph 4.6 of the Original Application the answering respondents beg to state that as the applicant failed to submit his final bill for LTC within the stipulated time limit of 30 days in

terms of the sanction order dated 12.01.1994, the respondents were left with no other option but to direct the applicant to refund the LTC advance of Rs.16,000/- along with interest thereon vide Order dated 07.02.1997 (Annexure-I of the Original Application). The statement made by the applicant to the effect that the applicant could not remember the exact date when he submitted the final bill, the answering respondents beg to state that the applicant submitted the purported final bill only on 20.03.1995, i.e. after a delay of more than 1(one) year. Be it stated herein that the representation dated 27.02.1999 and 06.01.2000 which were submitted by the applicant were thoroughly dealt with by the respondents and the same could not satisfy the respondents that the applicant had actually undertaken any journey from Shillong to Amritsar during January 2004. As such, the respondent had issued the Orders dated 20.12.1999 and 05.04.2000 directing the applicant to refund the LTC advance of Rs.16,000/- along with interest thereon (Annexures-III and V of the Original Application).

9. That with regard to the statements made in paragraph 4.7 of the Original Application the answering respondents have no comment to offer the same being matters of record.

10. That while denying the statements made in paragraph 4.8 of the Original Application in seriatim, the answering respondents further begs to state that the applicant had never submitted any representation before the respondents in terms of the Order dated 28.09.2001 passed by this Hon'ble Tribunal in O.A. No.176 of 2000. The Hon'ble Tribunal while passing the said Order dated 28.09.2001 had specifically directed the applicant to submit a detailed representation before the concerned authorities narrating all the facts and materials in support of his journey within 3(three) weeks of receipt of the Order. It is pertinent to mention herein that the applicant failed to submit any representation before the respondents within the stipulated time but also the applicant is yet to represent till date. The respondents had on the contrary, vide letter No.RC(G)27/2001 dated 22.11.2001 reminded the applicant to submit such a representation along with supported documents within a period of 21 days. However, the applicant has not submitted any representation till date. The statements made by the applicant to the effect that he has misplaced the copy of the representation are therefore denied and are put to the scrutiny of this Hon'ble Tribunal.

A copy of the letter dated 22.11.2001 is annexed herewith and marked as ANNEXURE-C.

11. That with regard to the statements made in paragraph 4.9 of the Original Application the answering respondents has no comment to offer.
12. That while denying the statements made in paragraphs 4.10 of the Original Application the answering respondents reiterate the statements made herein above. It is further stated that the onus of proving his case lies on the applicant and answering respondents cannot be expected to procure the records of all such bills incurred by the applicant, if any.
13. That with regard to the statements made in paragraph 4.11 of the Original Application the answering respondents beg to state that as has already been narrated herein above, in terms of the sanction letter dated 12.01.1994 the applicant was required to undertake his onward journey within 15 days from the drawl of advance, however the applicant had submitted railway tickets for journey from Guwahati to Delhi for the period 04.03.1994. As such, there is no conclusive proof of the applicant's outward journey in terms of the sanction letter. Be is mentioned herein that the photograph submitted by the applicant and annexed to the Original Application does not reveal anything about the place and the time in which the same were taken and as such the same cannot be considered as any corroborating documents for proof of journey. The answering respondents categorically deny that such documents bear any testimony in support of the purported journey performed by the applicant from Shillong to Amritsar.
14. That while denying the statements made in paragraph 4.12 to 4.17 of the Original Application the answering respondent reiterates the statements made herein above. The Rules so referred to have no bearing/application to the merits of the instant case.
15. That none of the grounds averred to in the instant Original Application are valid or legally tenable grounds. The applicant has miserably failed to establish any case in his favour necessitating any interference at the hands of this Hon'ble Tribunal and as such this Hon'ble Tribunal may be pleased to dismiss the instant Original Application as not maintainable.

VERIFICATION

I, Shri Nikhil Ranjan Roy, son of Late Nirendra Kumar Roy, aged about 60 years, presently serving as Incharge, Legal Cell, ICAR, Research Complex, NEH Region, Umiam, Meghalaya, do hereby verify that the statements made in paragraphs 1 to 4, 6(Partly), 7, 8(Partly), 9, 10(Partly), 11, 12, 13(Partly) and 14 of the written statement are true to my knowledge and those made in paragraphs 5, 6(Partly), 8(Partly), 10(Partly) and 13(Partly) are true to my knowledge derived from records and rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 24th Day of November 2005.

Nikhil Ranjan Roy

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
CENTRAL RESEARCH COMPLEX FOR N.E.H. REGION
UROI ROAD, BARAPANI, MEGHALAYA

(33) 120
Annexure - 2
(Series)

(CP) 3/84

Barapani, the 12th Jan, 4

ORDER

Dr./Shri./Smt. M. D. Syam of this
Complex, Barapani is granted leave for 9 days with
effect from 10/1/94 to 18/1/94 with permission to prefix
8th + 9th Jan, 94 being and suffix and
the leave on private affairs.

He/She would have continued to hold the same post at the
same station but for his/her proceeding on leave.

On expiry of leave Dr./Shri./Smt. resumed
his/her duties in the same post and at the same station.

Sanction is hereby accorded to an advance of Rs. 16,000/-
(Rupees Sixteen thousand) only for 16 months
2/4 yearly LTC of Dr./Shri./Smt. M. D. Syam with family
members for the block year 1990-93 for visiting Auritsar
The payment shall be made as under:-

- i) on receipt of claim - 50%
- ii) on production of ticket for outward journey - 50%

The onward journey will be undertaken within 15 days of
the drawal of the advance and the return journey will be completed
within 90 days after the start of the onward journey. The tickets
for the onward journey should be produced to the undersigned within
one week from the date of drawal of the 1st instalment of the
advance. If the onward journey is not performed by the employee the
full amount should be refunded forthwith and if the return journey
is not completed within 90 days, he will be entitled for the outward
journey only.

The advance should be adjusted within one month after
the completion of the return journey, otherwise the entire advance
will be recovered in lumpsum forthwith. In case, where LTC is
availed without drawing advances, the final bill of LTC should be
submitted within three month of the return journey failing which
the right for reimbursement shall stand forfeited.

Contd/-

Certified to be true copy

Certified to be true copy
for
Accounts

- 34 -

(214)

- 2 -

- 13 -

If the incumbent is a temporary employee of the Council's service he has to submit a surety bond from a permanent employee of the Council.

The expenditure will be debitable to the Head "1. Establishment charges, 9; Leave Travel Concession." under the budget allotment of Centre/Complex Hqs., for 1993-94 (NP).

For 4 yearly LTC, a photograph of his/her with family members taken at the place of visit must be furnished with the final bill in pursuance of Circular NO.RC(G)27/87 dt. 12/6/87.

Leave salary advance for one month from the date of commencement of leave is also granted to Dr./Shri./Smti.

(M.J. MURTHY)
ASST. ADMINISTRATIVE OFFICER (ADM.)

To Dr./Shri./Smti. M. D. Sreenivas, Lib. Officer F-5,
Library Section

ICAR Research Complex for NEH Region, Barapani.

Copy for information and necessary action to :-

1. Finance and Accounts Officer, ICAR Research Complex for NEH Region, Barapani.
2. Asst. Administrative Officer (Estt.), ICAR Research Complex for NEH Region, Barapani alongwith the advance LTC bill.
3. ~~The Principal Scientist/Scientist I/c, Division of~~
Library Section, ICAR Research Complex for NEH Region, Barapani.

OC

- 32 -

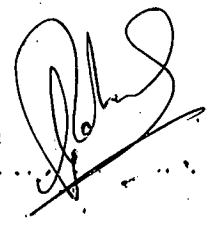
32
- 11 -

CLASS	PNR NO	TRAIN NO	DATE	CC
I	310016	5607	01-03-54	98679090
JOURNEY WITH RESERVATION TICKET				
FROM	TO	DATE	TIME	
GUJARATI	DELHI			
COACH	SEAT	BERTH	AGE	
RC	4/RC	1	M 49	
RC	5/RC	2	F 49	
RC	6/RC	3	F 46	
WL	1/RC	4	F 46	
Rs. Three Nine Three Two Only				
BRU AT GHT ON 04-03 AT 20100				

CLASS	PNR NO	TRAIN NO	DATE	CC
I	110021	5607	03-03-54	98679091
JOURNEY WITH RESERVATION TICKET				
FROM	TO	DATE	TIME	
GUJARATI	DELHI			
COACH	SEAT	BERTH	AGE	
WL	2/RC	5	F 10	
WL	3/RC	6	F 12	
WL	4/RC	1	M 14	
Rs. Two Four Five Two Only				
BRU AT GHT ON 04-03 AT 20100				

MR. P. Prasad
1/2/54

Certified to be true copy



INDIAN COUNCIL OF AGRICULTURAL RESEARCH
 ICAR RESEARCH COMPLEX FOR N.E.H. REGION
 UMROI ROAD, UMIAM-793103, MEGHALAYA

No. RC(G) 27/2001

Dated Umiam, the 22nd Nov., 2001

To

Shri M. D. Syiem,
 Technical Officer (Lib) T-5,
 Division of Library,
 ICAR Research Complex for NEH Region,
 Umiam.

Sub: Verdict passed by the Hon'ble CAT, Guwahati Bench,
 Guwahati in OA No. 176/2000 filed by Shri Morgan D.
 Syiem, Technical Officer (Lib) T-5, ICAR Research
 Complex for NEH Region, Umiam-793103, Meghalaya.


Ref: No. BK-2/22/39-2000 dt. 17.11.2001.

With reference to the above, I am directed to
 enclose herewith a copy of the judgement on dated 28th
 Sept., 2001 in case of OA No. 176/2000 filed by Shri M. D.
 Syiem. You are hereby directed to submit a detailed
 representation before the Authority of the ICAR, Umiam
 narrating all the facts and materials in support of the
 journey that you undertook for the block year 1990-93
 alongwith your family members.

You are hereby asked to furnish the representation
 alongwith supported documents including name of family
 members & their date of birth to verify the whole case
 from Administrative level. Your reply should reach to
 the Director of the Complex Hqs. within 21 days from
 the date of issue of this letter.

This issues with the approval of the Director.

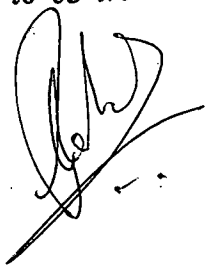
Encls: as above

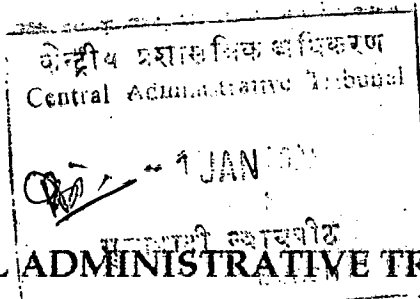

 22/11/01
 (M. J. KHAMPHLANG)
 ADMINISTRATIVE OFFICER.

Copy to :-

✓ I/c, L.C. for information.

Certified to be true copy





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

9
Filed by the Applicant
Through Shri: Choudhary
Advocates
on 2/1/06

In the matter of: -

O.A. No. 128 of 2005.

Shri Morgan D Syiem.

..... Applicant.

-Vs-

Union of India and Others.

..... Respondents.

-AND-

In the matter of: -

Rejoinder submitted by the applicant in reply to the written statements submitted by the Respondents No. 2 and 3.

The humble applicant above named most humbly and respectfully state as under: -

1. That the applicant categorically denies the statements made in paragraph 2, 5 and 13 of the written statement and begs to state that the respondents having been satisfied with the proposed date of onward journey and the tickets thereof as produced by the applicant did release the 2nd instalment of the LTC advance to the applicant after the applicant produced his tickets for his onward journey. As such, the question of delay in producing the tickets for onward journey, now raised by the respondents is irrelevant and unsustainable. It is true that journey was undertaken in March 1994, which is correctly mentioned in the adjustment bill submitted by the applicant.
2. That in reply to the statements made in paragraphs 6 and 12 of the written statement, the applicant begs to state that the case is pretty old since the

applicant availed LTC in 1994 and submitted the Bill way back on 20.03.1995 and as such some of the related documents are not available now with the applicant. However, the relevant documents pertaining to his journey were submitted with his final LTC Bill after availment of the LTC.

Further, enroute his outward journey from Shillong to Amritsar, the applicant along with his family members stayed at the Farmer's Hostel of Indian Agricultural Research Institute, Delhi and necessary entries were recorded in the relevant registers there. These matters have already been examined by this Hon'ble Tribunal earlier and this Hon'ble Tribunal in it's judgment and order dated 28.09.2001 (Annexure- VI to this O.A) in O.A. No: 176 of 2000 has categorically held that there is no basic dispute as to whether the applicant had undertaken the journey and there is no question of not releasing the bill. As such the respondents do not have the liberty to make such statements here again questioning the performance of the journey by the applicant and his bill thereof.

That the applicant categorically denies the statements made in Paragraphs 7 and 8 of the written statement and begs to submit that the applicant has explained to the respondents the circumstances under which he had failed to furnish the ticket number or the ticket for his inward (return) journey which was beyond his control due to non-return of the ticket by the Railway checking staff at Guwahati Railway Station. It is relevant to mention here that as per Clause 21 of Chapter XVIII of Swamy's ITC Rules (Annexure- VIII to this O.A.), the requirement of production of serial numbers of Tickets may be relaxed by the Controlling Officer and the instant case is a fit case where the Controlling Officer can relax/waive the said condition in view of the corroborating documents submitted by the applicant which this Hon'ble Tribunal has also taken into consideration at the time of passing the earlier judgment and order dated 28.09.2001 in O.A. No. 176/2000.

Further, the matter of late submission of the final LTC bill and the authenticity of the performance of the journey by the applicant as questioned herein by the respondents are not sustainable since the same have already been examined by this Hon'ble Tribunal earlier and having been satisfied, this Hon'ble Tribunal vide it's judgment and order dated 28.09.2001 in O.A. No. 176/2000 has directed the respondents to consider the representation of the applicant and pass a reasoned order.

4. That the applicant categorically denies the statements made in paragraph 10 of the written statement and further begs to reiterate that pursuant to the order dated 28.09.2001 of this Hon'ble Tribunal, the applicant submitted a representation along with a copy of the said order and prayed for settlement of his LTC bill. But the respondents did not communicate anything to the applicant nor passed any reasoned order in terms of the directions passed by this Hon'ble Tribunal and kept silent for years thereby leading the applicant to presume that his LTC bill has been settled. Unfortunately, during the passage of such a long time the copy of the representation has been misplaced by the Respondent. Be it stated that after receipt of the letter dated 22.11.2001 (Annexure- C to the written statement), applicant submitted his representation to the authority after obtaining a copy of the judgment and order dated 28.09.2001.
5. That the applicant categorically denies the statements made in para 14 of the written statement and reiterates the statements made hereinabove.
6. That the applicant emphatically denies the statements made in paragraph 15 of the written statement and respectfully begs to state that all the grounds averred to in this application are valid and legally tenable and the application is full of merits for being allowed.
7. That in the facts and circumstances, the applicant humbly submits that he is entitled to the reliefs prayed for and the O.A. deserves to be allowed with costs.

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72

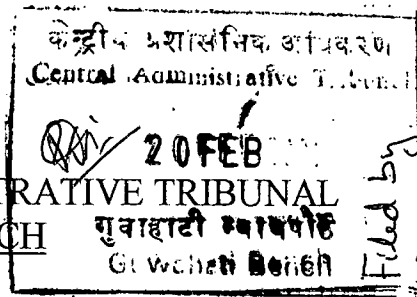
VERIFICATION

I, Shri Morgan D Siyem, S/o- Shri Dufferin Basaiawmoit, aged about 51 years, working as Library and Information Officer (T-6), Division of Library, ICAR Research Complex for NEH Region, Umroi Road, Umiam, Meghalaya, applicant in the instant Original Application, do hereby verify that the statements made in paragraph 1 to 7 of the rejoinder are true to my knowledge and records and rest are my humble submission before the Hon'ble Tribunal, I have not suppressed any material fact.

And I sign this verification on this the 1st day of January, 2006.

Morgan D. Siyam,

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



Filed by
The Respondent Nos 2
and 3.
49
Through
Jantam Rajul
Advocate
20.2.2006

ORIGINAL APPLICATION NO.128 OF 2005

IN THE MATTER OF:

Sri M.D. Syiem

.... Applicant

-Versus-

The Union of India & Ors.

.... Respondents.

-AND-

IN THE MATTER OF

An affidavit filed on behalf of the Respondent Nos.
2 and 3 in terms of this Hon'ble Tribunal's Order
dated 17.01.2006 passed in the aforesaid case.

AFFIDAVIT

I, Nikhil Ranjan Roy, son of Late Nirendra Kumar Roy, aged about 60years, presently serving as In-charge, Legal Cell, I.C.A.R.; Research Complex, NEH Region, Umiam, Meghalaya, do hereby solemnly affirm and state as follows:-

1. That the present affidavit is being filed in terms of this Hon'ble Tribunal's Order dated 17.01.2006 passed in the aforesaid case directing the Respondents to file a detailed affidavit indicating the actual period of leave availed by the applicant for performing his journey from Shillong to Amritsar purported to be undertaken as L.T.C. benefit for the year 1994.
2. That the answering Respondents beg to state that the applicant had applied for 9 days of Earned Leave for availing his L.T.C. benefit for the year 1994 and the same was duly granted to him with effect from 10.01.1994 to 18.01.1994 vide

Order No. RC(D)3/84 dated 12.01.1994. It is pertinent to mention herein that although the applicant has claimed to have performed his journey from Shillong to Amritsar in March 1994, however, as per the records of the case the applicant had never applied for any leave during March 1994 and the same was never granted in his favour.

The answering Respondents crave leave of this Hon'ble Tribunal to produce the relevant records with regard to the leave period of the applicant, as and when directed to do so.

3. That the answering Respondents beg to state that the applicant could not have availed his L.T.C. benefit in March 1994 and could not have performed the journey from Shillong to Amritsar in March 1994 for the very simple reason that the applicant was not granted any leave during that period.
4. That the answering respondents crave leave of this Hon'ble Tribunal to refer to and rely upon the records of the case at the time of final hearing of the instant application. The Respondents further reserve the right to rely upon the written statement so filed earlier.
5. That the statements made in this paragraph and in paragraphs 1, 3 and 4 are true to my knowledge, those made in paragraph 2 being matters of record are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this affidavit on this the day of February 2006 at Guwahati.

Nikhil Ranjan Roy.

Identified by:

DEPONENT

Advocate's Clerk.

275

NOTICE

From : Mrs. R. S. Chowdhury,
Advocate,

To : Mr. M. Chanda
Advocate

Sub O.A. No. 128/2005

M.D. Syiem

Applicant

-Vs-

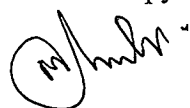
Union of India & Ors.

... Respondents

Sir,

Please find enclosed herewith a copy of the affidavit being filed on behalf of the Respondent Nòs. 2 and 3 in the aforesaid case. Kindly acknowledge receipt of the same.

Received copy:



20/2/06.



(R. S. Chowdhury)
Advocate

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
29 MAR 2006
गुवाहाटी बेंच
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

78
Filed by the applicant -
Advocate: S. Nath
29.03.06

In the matter of: -

O.A. No. 128 of 2005.

Shri Morgan D Syiem.

..... Applicant.

-Vs-

Union of India and Others.

..... Respondents.

-AND-

In the matter of: -

Additional rejoinder submitted by the applicant.

The humble applicant above named most humbly and respectfully state as under;

1. That your applicant begs to say that he has submitted earned leave w.e.f. 03.03.1994 to 12.03.1994 and also prayed for cancellation of his earned leave with effect from 10.01.1994 to 18.01.1994 and also prayed for further sanction of leave with effect from 03.03.94 to 12.03.94, it would be evident from the photocopy of the Attendance Registrar that the applicant have attended his duties during the period from 10.01.94 to 18.01.94 and remained availed earned leave with effect from 03.03.1994 to 12.03.1994 and attended the office on 15.03.1994 as such contention of the respondents raised in para 2 of the additional written statement/affidavit filed on 20.02.2005 is not factually correct. Therefore, the Hon'ble Court be pleased to direct the respondents to produce the Attendance Registrar for the month of January and March 1994 to ascertain the factual position. It is

/X

also relevant to mention here that the applicant submitted his earned leave application on 12.01.1994.

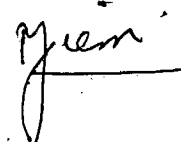
A photocopy of the attendance Registrar for the month of January 1994 and March 1994 as well as leave application of the applicant dated 12.01.94 are enclosed as Annexure- A (Series) and B respectively.

2. That this application is made bonafide and for the ends of justice.

VERIFICATION

I, Shri Morgan D Siyem, S/o- Shri Dufferin Basaiawmoit, aged about 51 years, working as Library and Information Officer (T-6), Division of Library, ICAR Research Complex for NEH Region, Umroi Road, Umiam, Meghalaya, applicant in the instant Original Application, do hereby verify that the statements made in paragraph 1 and 2 of the additional rejoinder are true to my knowledge and records and rest are my humble submission before the Hon'ble Tribunal, I have not suppressed any material fact.

And I sign this verification on this the 28th day of March 2006.



*Alfred
J. H. Bismarck*

Attendance For The Month Of January 1954
 Avenue - A (Sector)

SN	Name of Employee	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Remarks		
1	Shri M. D. S. Kulkarni Tech. Officer T-5																																		
2	Shri G. K. Bhandari Tech. Asst.																																		
3	Mrs. A. P. Datta Library Asst. T-2																																		
4	Mrs. S. B. Bhandari Library Asst. T-2																																		
5	Mrs. H. K. G. G. G. Library Attendant																																		

Signature of
T. D. G. G. G.
Officer

Handwritten notes and signatures in the left margin.

Handwritten notes and signatures in the bottom margin.

Attendance for the Month

21-11-1954

1	Shri M. D. Srinivasan	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
2	Shri C. Prasad	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	
3	Mrs. A. P. Datta	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	
4	Shri S. Bergadain	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	
5	Shri H. K. Gaurang	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	

Signature of Controlling Officer
 Officer
 Attached for reference

21-11-1954

81

To

The AAO (Admin)
Water Resource Complex for NE II Region
Imam

Dated 12.1.94

Sir,

EL from 10.1.94 to 18.1.94 may please be
treated as cancelled. First application of EL
is attached herewith d.d. 3.3.94 to 12.3.94.
For your information & necessary action, which may
kindly be granted.
Thanking you,

Your faithfully
Yours
M. D. Srivastava - T. S
Deputy Officer
Water Control Division

A. K. S. S.
Advocate